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87-405

Supreme Court, U.S.
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JOSEPH F. SPANIOL, JR.
CLERK

No. 87-_____

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 1987

In Re: Janice Ching Yee, Petitioner Pro Se;

v.

Judges: Proctor Hug, Jr., Cecil Poole, and William Norris; Alfred Goodwin, Otto Skopil, Harry Pregerson, and Warren Ferguson, of the United States Court of Appeals for the Ninth Circuit; and Contributory:

Judges: Harold Fong, Martin Pence, Samuel King, and Walter Heen (EX); of the United States District Court for the District of Hawaii;

And All Respondents Judiciary, Law Enforcement/Protection Agencies and Other Contributory Respondents listed in part III. Statement of Parties Involved, of the Petition;

Respondents.

ON EXTRAORDINARY WRIT OF MANDAMUS TO THE U.S. COURT OF APPEALS FOR THE 9th CIRCUIT

Judges: Proctor Hug, Jr., Cecil Poole, and William Norris; Alfred Goodwin, Otto Skopil, Harry Pregerson, and Warren Ferguson; and Contributory:

Judges: Harold Fong, Martin Pence, Samuel King, and Walter Heen (EX) of the United States District Court for the District of Hawaii;

And All Respondents Judiciary, Law Enforcement/Protection Agencies and Other Contributory Respondents listed in part III. Statement of Parties Involved, of the Petition;

Re: case USCA(9th)#86-8192, Petition for Permission to Appeal, for case USDC(Hi)#81-0148, to Reopen, and case USSC#84-1685* by

---

PETITION to the SUPREME COURT of the UNITED STATES

Affidavit of Petitioner Pro Se, and/for Proof of Service+

Mrs. Janice Ching Yee, Petitioner Pro Se
at: 3169 Alika Ave. Hon. Hi. 96817 ph: 808-595-3426.

*by Joinder per *Federal Rules of Civil Procedure*, and *U.S. Const. Art. 4.***
**This can aid the Jurisdiction of this Court.
+Attorneys of Record listed therein.

136 pp

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No. 87-_____ |

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1987

In Re: Janice Ching Yee, Petitioner Pro Se;

v.

Judges: Proctor Hug Jr.; Cecil Poole; William Norris; ET AL;
Respondents+;

ON EXTRAORDINARY WRIT OF MANDAMUS TO THE U.S. COURT OF APPEALS FOR THE 9th CIRCUIT

Re: case USCA(9th)#86-8192, for case USDC(Hi)#81-0148;‡ by

PETITION TO THE SUPREME COURT OF THE UNITED STATES

INTRODUCTION

To Honorable Chief Justice William Rehnquist and Honorable Associate Justices, or their Substitute Justices*; OR; to Honorable Associate Justice Antonin Scalia for single Justice Review if permissable with JURISDICTION arising from action, according to *28 USC: 1254(1), 1651, 1654, 2101(c), 2106, and 2403(a),* and all LAW pled for Jurisdiction for this Petition for Extraordinary Writ of Mandamus (herein as Petition), for Petitioner Pro Se Janice Ching Yee (herein as Petitioner or JCY) who respectfully will prove reason to command duty/performance by Judges: Proctor Hug, Jr., Cecil Poole, and William Norris, and all Contributory Respondents named in the caption title, and listed in part III; who instigated and perpetrated "present exceptional circumstances warranting the exercise of this Court's discretionary powers", for "adequate relief cannot be had in any other form or from any other Court"; as Court Order from this Court; based on its *Rule 17(1)(a & c).*

+as listed on cover.

‡and USSC#84-1685 per *FRCP, Rule 42(a)*

*in view of "Motion for Recusal of U.S. Justices named as Respondents", directed to Justice Antonin Scalia.

II. TABLE OF CONTENTS

	page
INTRODUCTION	
I. QUESTIONS PRESENTED FOR REVIEW	1
II. TABLES OF CONTENTS, AUTHORITIES, and RULINGS	i
i. TABLE OF CONTENTS	i
ii. TABLE OF AUTHORITIES	ii
iii. ABBREVIATIONS	iii
iv. RULINGS OF PERTINENCE	iv
III. STATEMENT OF PARTIES INVOLVED	5
IV. REPORT OF OPINIONS BELOW	6
V. STATEMENT OF JURISDICTION	7
A. Re: Orders Sought to be Reviewed	7
B. Re: Orders Denying Reconsideration	10
C. Re: Statutory Provisions for Jurisdiction	10
D. Re: Miscellaneous Pertinence	11
VI. CONSTITUTIONAL PROVISIONS and RULES.	11
VII. STATEMENT OF FACTS OF THIS CASE	11
VIII. WHEN FEDERAL QUESTIONS WERE RAISED.	15
IX. ARGUMENTS RELIED ON, for THIS WRIT	17
X. CONCLUSION FOR GRANT of THIS WRIT ...	25
Affidavit of Petitioner Pro Se and/for Proof of Service.	26
APPENDICES:	
A: Notice of Appeal; case USCA(9th)#86-8192	1
B: Amendment of Notice of Appeal	9
C: Notice of Appeal; case USDC(Hi)#81-0148	13
1 to 6(B): Orders for this case	20
7: Instigation of "incapacitates", "incapacitated"	33
8: Rulings and Law Relied On	35
9 to 20: Orders for case USSC#84-1685	
21: Waiver by U.S. Government, (USSC#84-1685)	78
22: Corrections for case USSC#84-1685	79
23(A & B): Re: Promissory Notes A & B (B fully satisfied 8/7/87)	80
24: Letter to U.S. Supreme Court; June 1987	82
25: Letter to ex-Governor George Ariyoshi	86
26: Letter from ex-Governor George Ariyoshi	87
27: Prejudiced Order being perpetrated by HSC	88

III. TABLE OF AUTHORITIES and ABBREVIATIONS

page

A. AUTHORITIES and LAW OF PERTINENCE

1. *FEDERAL RULES of APPELLATE PROCEDURE*
   - *Rule 2* *1, 7, 8, 9, 10, 11, 18*
   - *Rule 3(a)* *7, 11, 16*
2. *FEDERAL RULES OF CIVIL PROCEDURE*
   - *Rule 18* *6, 11*
   - *Rule 19(a)* *6, 11*
   - *Rule 26* *11*
   - *Rule 42(a)* ..... *Intro., 6, 11, 12, 25*
   - *Rule 68* *11, 25*
3. *HAWAII REVISED STATUTES*
   - *Chapter/section 657-20* *8, 9, 10, 18*
4. *TITLE 28, UNITED STATES CODE*
   - *Chapter 81, sec. 1254(1)* ..... *Intro., 10*
   - *Chapter 111, sec. 1651* ..... *Intro., 10*
   - *Chapter 111, sec. 1654* ..... *Intro., 10*
   - *Chapter 133, sec. 2101(c)* ..... *Intro., 10*
   - *Chapter 133, sec. 2106* ..... *Intro., 10, 17, 21, 25*
   - *Chapter 161, sec. 2403(a)* ..... *Intro., 10, 16, 21, 23*
5. *TITLE 42, UNITED STATES CODE SERVICE*
   - *Chapter 21, sections 1981, 1982, 1983, 1985, 1986, and 1988* *10, 18*
6. *THE UNITED STATES CONSTITUTION*
   - *ARTICLE FOUR* ..... *Cover, 6, 8, 9, 11, 12, 18, 25*
   - *AMENDMENTS: ONE* *1, 3, 8, 9, 11, 18, 19*
     FOUR, FIVE, SEVEN, EIGHT, NINE, THIRTEEN, FOURTEEN *3, 9, 11, 18*
7. *UNITED STATES SUPREME COURT RULES*
   - *Rule 10.3* *7, 11*
   - *Rule 13* *11*
   - *Rule 17(1)(a & c)* ..... *Intro., 2, 7, 11, 19, 21*
   - *Rule 19* *11*
   - *Rule 26* *7, 11*
   - *Rule 27* *7, 11*
   - *Rule 52* *4, 11, 16, 23*
8. *HAWAII FAMILY COURT RULE 7(b)(5)* *2*

B. ABBREVIATIONS OF PERTINENCE

APP. = Appendix (or App.)
AAY = Alfred A. Yee, Respondent
Chap. = Chapter
FRAP = Federal Rules of Appellate Procedure
FRCP = Federal Rules of Civil Procedure
HCC = Hawaii Circuit Court
HFC = Hawaii Family Court
HRS = Hawaii Revised Statutes
HSC = Hawaii Supreme Court
JCY = Janice Ching Yee, Petitioner Pro Se (divorcée)
sec. = section
28 USC = Title 28, United States Code
42 USCS = Title 42, United States Code Service
U.S. = United States
U.S. Const. = United States Constitution
USCA = United States Court of Appeals; Ninth Circuit
USDC(Hi) = United States District Court of Hawaii
USSC = United States Supreme Court
USSCR = United States Supreme Court Rules
"Irregularities" = (includes) unconstitutional, malicious abusive, malevolently disinterested, negligent, conflicted, conspired, prejudiced, distorted, assassinatory (of name, reputation, character) unwarrranted cruel and unusual (punitive), malfeasantly, malpractice, misconduct, undue obstructive, "false arrest" restraintive, perjured, defamatory, slanderous, libellous, entrapmentlike, coercion for nonassertion, incapacitation.

B. *RULINGS of PERTINENCE**

1. *Atlanta Finance Co. v. Cain; 42 Ga. App. 819, 157 S.E. 337, and; per BLACK'S LAW DICTIONARY, p. 1110; 4th ed. 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
2. *Azar v. Conley (1972 CA 6 Ohio) 452 F. 2d, 1382, later App. (CA 6 Ohio) 480 F 2d 220 ..... 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
3. *In Re Baum, 8 NYS 771, Hun. 611, and per BLACK'S LAW DICTIONARY p. 1111 (4th ed.) (par. 4) 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
4. *Board of Regents v. Roth, 408 U.S. 564, 40 L.W. 5079 (1972) 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
5. *Bottone v. Lindsley (1948 CA 10 Colo) 170 F 2d 705 cert den, 336 US 944, 93 L. Ed 1101, 69 S. Ct. 810 ..... 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
6. *Britt v. Suckle (1978) (DC Tex) 453 F. Suppl. 987 ..... 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
7. *Capital Electric Co. v. Cristaldi, DC Md. 157, F. Supp 646, 648 ..... 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
8. *Cook & Nichol, Inc. v. Plimsoll Club; 451 F. 2d. 505 (5th Cir. 1971) 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
9. *Culp v. Devlin (1977 DC Pa) 437 F. Supp. 20 ..... 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
10. *Fannie v. Chamberlain Mfg. Corp. Derry Div. (1977 DC Pa) 445 F. Supp. 65 ..... 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
11. *Fluharty v. Fluharty, 8 WW. Harr. 487, 193, A. 838, 840, and; BLACK'S LAW DICTIONARY, p. 324; 4th Ed. 1951 ..... 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
12. *Gibson v. Seattle (Washington) Dept. of Police 1973 CA 9 Wash) 472 F. 2d 1220 ..... 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
13. *Gloss v. People, 259 Ill. 332, 102 NE 763; and BALLENTINE'S LAW DICTIONARY, (3rd ed) 1968 ... 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
14. *Gregory v. McInnis, 140 S.C. 52, 134 SE 527, 529, and; BLACK'S LAW DICTIONARY, (3rd ed) 1968 ..... 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
15. *Griffin v. Breckenridge Supra, 403 US at 90-91, 91 S. Ct. 1790, id at 102, 91 S. Ct., 1798 ..... 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*

*all previously used except No. 61

16. *Haaslam v. Morrison, 113 Utah 14, 190 P. 2d 520; and BALLENTINE'S LAW DICTIONARY, 3rd Ed.* *1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
17. *Hampton v. Hanrahan (1979 CA Ill) 600 F 2d 600* *1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
18. *Head v. Timken Roller Bearing Co. (1973)(CA 6 Ohio) 486 F 2d 870* *1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
19. *Hodgins v. State, 2 Ga. 173, 176; and BALLENTINE'S LAW DICTIONARY 3rd Ed. 1968* *1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
20. *Hoffman v. Halden (1959) (CA 9 Or) 268 F 2d 280* *1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
21. *Hollenback v. Hall, 103 Iowa 214, 72 NW 518; and BALLENTINE'S LAW DICTIONARY, p. 321, 3rd ed.* *1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
22. *Imbler v. Pachtman, USSC#75-5435, (LAW WEEK, Vol. No. 44, No. 28, p. 4257, and 4258)* *1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
23. *Jacobs v. Board of Regents (1979 SD Fla) 473 F. Supp. 663* *1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
24. *Jillson v. Caprio; 86 App. DC 168, 181, F. 2d. 523; Noted, 49 Mich. LU 917 (1941); 35 Cornell LQ 904 1143, (sec. 407) paragaraph 1* *1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
25. *Knight v. Auciello (1972 DC Ky) 417 F. Supp. 282* *1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
26. *Lamb v. Sallee; (1976 DC Ky) 417 F. Supp. 282* *1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
27. *Lambert v. People of California; 335 US 225, 1958; and CRIMINAL LAW by Donnelly, Goldstein, and Schwartz, p. 540* *1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
28. *In Re: Ledwith v. International Paper Co. 64 NYS 2d 810, Affd. 271 AD 864, 66 NYS, 2d 625; and ENCYCLOPEDIA OF NEGLIGENCE (vol. 2) 1962, p. 963, (sec. 336) paragraph 1* *1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
29. *Lyons v. St. Joseph Belt Ry Co. Mos. App. 84 SW 2d 933, 944; and BLACK'S LAW DICTIONARY, 4th ed. p. 1110* *1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
30. *Magill v. Avonworth Baseball Conf. (1973 DC Pa) 364 F Supp. 1212, vacted w/o op (CA 3 Pa) 497, F 2d 921, later App. (CA 3 Pa) 516 F 2d 1328* *1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*

31. *Martin v. Wainwright, (1976 CA 5 Fla) 526 F 2d 938 . . . . . 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
32. *May Hosiery Mills v. U.S. District Court in and for the District of Montana, CCA Mont. 64 F 2d 450, 454; and BLACK'S LAW DICTIONARY p. 331 (rev. 4th ed) 1968 . . . . . 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
33. *McClellan v. Mississippi Power and Light Co. 545 F 2d 919 (5th Cir. 1977) (en blanc) 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
34. *Mitchell v. Boslow (1973 DC Md.) 357 F Supp. 199 . . . . . 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
35. *NLRB v. Grower-Shipper Veg. Assn. AM J 2d Abuse, p. 9, and BALLENTINE'S LAW DICTIONARY, p. 213, 3rd ed. 1969 . . . 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
36. *Paul v. Davis (1976) 424 US 693, 47 L. Ed 2d 405, 96 S. Ct. 1155, reh den 425 US 985, 48 L. Ed. 2d 811, 96 S. Ct. 2194 . . . . . 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
37. *Peck v. U.S. (1979 SD NY) 470 F. Supp. 1003 . . . . . 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
38. *Pennsylvania v. International Union of Operating Engineers (1972 DC Pa) 347 F. Supp. 268 . . . . . 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
39. *People v. Ormsby; 310 Mich. 291, 17 NW 2nd 187, 190; and BLACK'S LAW DICTIONARY, p. 1228, 4th ed. 1968 . . . . . 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
40. *People v. Winters, 171 Ca. App. 2d 876, 342, p. 2d 538 (App. Dept. Sup. Crt.) 1959 . . . . . 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
41. *Petrovitsky v. Brigham, 14 Utah, 472, 47 P. 666; and BALLENTINE'S LAW DICTIONARY (3rd ed) n. 1968 . . . . 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
42. *Phaby v. KSD-KSDTV, Inc. (1979 ED Mo) 476 F. Supp. 1051 . . . . . 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
43. *Rice v. Winkelman Bros. Apparel, Inc. 13 Mich. App. 281, 164 NW 2d 417, 420 . . . . . 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
44. *Runyan v. McCrary (1976) 427 US 160, 49 L. Ed 2d 415, 96 S.Ct. 2586 . . . 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
45. *Santiago v. Philadelphia (1977 DC Pa) 435 F. Supp. 136 . . . . . 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
46. *Scheurer v. Rhodes 416, US. 232, 94 S. Ct. 1683, 40 L. Ed. 2d 90 (1979) 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*

47. *Scott v. Moore (1978 DC Tex) 461 F. Supp. 224 . . . . . 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
48. *Seaton v. Sky Realty Co. (1974 CA 7 Ill) 49 F. 2d 634 . . . . . 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
49. *Selzer v. Verkowitz (1978 DC NY) 459 F. Supp. 347 . . . . . 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
50. *State v. Case, 53 Mo. 246, 250, and BALLENTINE'S LAW DICTIONARY 1968 (34d ed.) p. 768 . . . . . 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
51. *State v. Huegin, 110 Wis. 189, 85 NW 1046, 62 LRA 700; and BLACK'S LAW DICTIONARY, p. 1110, 1968, (revised 4th edition) 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
52. *State v. Vandenburg, 9 WW Harr. 498, 2A 2d 916, 919, and BLACK'S LAW DICTIONARY, (rev. 4th ed.) 1968 . . . . . 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
53. *State ex rel Knabb v. Frater, 198 Wash. 675, 89, P. 2d, 1046, 1048 . . . . . 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
54. *Stern v. U.S. Gypsum, Inc. (1977 CA 7 Ill) 547 F. 2d 1327, Motion Den (CA 7) 560 F. 2d 865 . . . . . 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
55. *United States v. Classic, 313, U.S. 299, 326 . . . . . 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
56. *U.S. v. Dowd, 271 F. 2d 292 (7th Cir. 1959); and CRIMINAL LAW by Donnelly, Goldstein, and Schwartz, p. 485 . . . . . 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
57. *U.S. General, Inc. v. Schroeder (1975 DC Wis) 400 F. Supp. 713 . . . . . 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
58. *Warren v. Union Bank, 157 NY 259 51 NE 1056; and BALLENTINE'S LAW DICTIONARY, p. 218, (3rd ed.) 1968 . . . . . 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
59. *White v. Bloom (1980 CA 8 Mo) 621 F. 2d 276 . . . . . 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
60. *White v. Chicago, Burlington, and Quincy RR, 417, f. 2d 941 (1949) 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23*
61. *McClelland v. Carland, 217 U.S. 268, 30 S. Ct. 501, 503, 54 L. Ed. 762, BLACK'S LAW DICTIONARY, 5th Ed. 1979 . . . 1, 2, 3, 4, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24*

I. QUESTIONS PRESENTED FOR REVIEW

1. TO: Judges: Proctor Hug, Jr., Cecil Poole, William Norris, Alfred Goodwin, Otto Skopil, Harry Pregerson, and Warren Ferguson;

A. WHY can the U.S. Court of Appeals for the Ninth Circuit (USCA(9) herein) specifically:

1. Neglect its duty to review and supervise; and instead; condone‡ its prejudiced malpractice neglect‡, by denying the lower Court should file "Notice of Appeal" in that Court (App. 3) and/or by denying‡ previously that the lower Court should not deny JCY's case without Hearing or Jury Trial for case USDC(Hi)381-0148 with merit?

2. Deny Petition for Rehearing; December 17, 1986 (App. 2) and neglect to notify Petitioner JCY, so JCY can appeal to this Supreme Court in time against the 12/17/86 Order?

3. Deny the Emergency Motion for Injunction (App. 1) of Petitioner's, with true merit and strong proof of injury? (see Record on Appeal)

4. Deny the Additional (Supplemental Pleading) Memorandum with merit to use *Federal Rules of Appellate Procedure, (FRAP herein) Rule 2,* of the Court's own accord, to reopen the case and reconsider?

5. So far sanctioned the lower Hawaii U.S. District Court's departure from acceptable and usual course of judicial proceedings?‡

6. Previously*, decide the Federal Questions of Jury Trial, Hearing, and/or now of Filing of Notice of Appeal; in a way in conflict with applicable decisions of this Court; or should be settled by this Court?

I. 2. TO: Judges: Harold Fong, Martin Pence, Samuel King, and Walter Heen;

B. WHY can Hawaii's U.S. District Court (USDC(Hi) herein), specifically:

1. Deny Petitioner JCY's use of the *U.S. Constitution's Amendment One* for redress of grievances of over 55 allegations of violations imposed by damages incurred by Respondents listed in case USDC(Hi)#81-0148?

*case USSC#81-1500 re: case USCA(9)#81-4326.

‡see *Britt v. Suckle; Capital Electric Co. v. Cristaldi; Lambert v. People of California; Culp v. Devlin; Fannie v. Chamberlain Mfg.* and all *Rulings,* App. 8.

2. Deny Respondents' (Defendants') unconstitutional wrongdoings, and fraudulently conceal their obstruction by "denials" of JCY's case(s) without Hearing or Jury Trial, either as proper "due process of Law"?

3. Order unwarranted "Protective Orders" for Respondents?

4. Neglectfully deny filing of proper Notice of Appeal after Judge Fong's 9/16/86 Order was filed, claiming "protective order" still in effect, caused by Judicial prejudice‡ perpetrated?

5. Deny access‡ into the Court, by good American-born citizen JCY, as taxpayer, with merit, of grievances?

6. Stray so far from acceptable judicial proceedings, and not be reprimanded and supervised?

I. 3. TO: Judges: Richard Au, Edwin Honda, Philip Chun, Betty Vitousek, James Burns, Donald Tsukiyama, Barry Rubin, Richard Lee, Norito Kawakami, Harold Shintaku, and Arthur Fong; and
TO: Justices: Ex-Chief William Richardson, (Ex) Benjamin Menor, (Ex) Bert Kobayashi, (deceased, exempt Thomas Ogata), Edward Nakamura, James Wakatsuki, and Substitutes: Judges: Robert Won Bae Chang, Harry Tanaka, Leland Spencer, Ronald Moon, and Robert Klein (exonerable in part):

C. WHY can Hawaii State Judiciary, and other Judiciary involved by condonement/perpetration; be allowed to render decisions+, orders+ and Judgments+ in conflict with this Court's *Rules 17(1)(a & c)* wherefore they oppressively coerce cruel non-assertion of Petitioner JCY's Constitutional Rights for:

1. Impartial Orders/Judgments for JCY's Redress of grievances over 55 allegations pled?

2. Equal rights to enjoy life, liberty, pursuit of happiness, even after divorce?

3. Equal opportunity and fair competition for free enterprise anywhere in America?

4. Life as "capable" Americanborn capitalist lady, to enjoy this reputation, good name, and character, pled.

+see previous Petitions to this Court Re: *HFC Rule 7(b)(5)*; especially.
‡See *Britt v. Suckle; Capital Electric Co. v. Cristaldi; Lambert v. People of California; Culp v. Devlin; Fannie v. Chamberlain Mfg;* and all *Rulings*, App. 8.

5. Equal Right to use JCY's own moneys, as freedom of choice?

6. Self manageress of JCY's own moneys, and equal protection for this right?

7. Jury Trial anytime demanded?

8. Freedom, without "false arrest"[1] restraint, by libelled coerced "incapacitation"?[2] (App. 7)

9. Redress, recovery, relief against discrimination suffered, under color of Hawaii State Law?

I. 4. TO: Justices: (Ex) Chief Warren Burger, Chief William Rehnquist, Harry Blackmun, Thurgood Marshall, William Brennan, John Paul Stevens, Lewis Powell, Byron White, and Sandra O'Connor:

D. WHY can the U.S. Supreme Court (USSC or This Court, herein) specifically:

1. Condone/perpetrate* the cruel and unusual, biased "irregularities"+ if it coerces non-assertion of JCY's Americanborn Constitutional Civil Rights? (herein as "Rights")

2. Contribute to/perpetrate the lower Courts' departure from accepted and usual Judicial proceedings and decisions; and therefore in conflict with This Court's Rulings‡ re: this matter?

3. Not settle the important question of Federal Law re: Americanborn "Rights" for use of *U.S. Const. Amendments 1, 4, 5, 7, 8, 9, 13, and 14;* pled by JCY; or pled "Rights" for Jury Trial and/or Hearing in Civil Federal Court re: civil rights grievances with worsening "burden" of damages incurred by Respondents?

4. Perpetrate the conspired resultant crime of coercing "incapacitation" of good lady, "capable" JCY? (App. 7 and 8; all)

I. 5. TO: James Koshiba of 1974 Hawaii Bar Association (now HSBA herein) Ethics Commission Chairman; Robert Stevenson, Clifford Melim, Rev. Charles Crane,

[1]*Jillson v. Caprio;* and all *Rulings,* App. 8.
[2]*Hampton v. Hanrahan; Hoffman v. Halden; Imbler v. Pachtman*
[3]*Magill v. Avonworth; Azar v. Conley;* all *Rulings,* applicable.
*last case re: USDC(Hi)#81-0148 was USSC#81-1500.
‡Appendix 8 applied.
+see Table of Abbreviations.

(deceased, exempt Wilson Cannon, and Mitsuyuki Kido) of the 1978 Judicial Qualifications Commission; Ex-Governor George Ariyoshi; Hawaii's Federal Bureau of Investigation (FBI) Chief Counsel Michael Maroni‡ and Agents‡ involved; Hawaii's U.S. District Attorneys Daniel Bent and Frank Wilson; Hawaii State's Disciplinary (Ex) Counsel(s) Jung Lowe and (Ex) Dan Heely; Honolulu Police Department Chief Douglas Gibb‡ and Special Investigator Chester Hughes;‡ and U.S. Marshal Faith Evans‡ and Deputies‡ of Hawaii; AND; Calvin Hawkins‡ of U.S. Department of Justice's Civil Rights Division:

E. WHY do these above Law Enforcement/Citizen Protection Agencies negligently not protect and/or help Americans like JCY with prosecution/redress of grievances, if we suffer undue burden of conspired lawyer/judicial prejudiced "irregularities", causing coercion for non-assertion of rights or incapacitation* of JCY here? (see App. 7 & 8)

F. THIS Question (timely now too) was presented to this Court by "Petition for Writ of Mandamus to the U.S. District Court of Hawaii, and the U.S. District Attorney of Hawaii" on February 4, 1984 (dated 1/27/84); and was denied filing because of "timeliness" circumstances:

> "CAN the Judicial System of Hawaii or America force 'incapacitation'* (App. 7) of very capable Americanborn woman Petitioner (and Appellant) Janice Ching Yee, who pled "Pro Se" from Feb. 7, 1975 and never committed crime?"

I. 6. TO: Ronald Reagan, President of the United States:

G. CAN the United States President abuse his power of *the United States Court Rule 52,* and cause prejudiced exclusion of Petitioner JCY, and JCY's civil rights redress in America's Federal Courts; and/or; exclusion of JCY's free enterprise "Rights" to do business with Pi PRESS, Inc. and/or Dress Investment, and/or FRESH IDEAS?

I. 7. TO: Calvin Hawkins,‡ for U.S. Department of Justice's Civil Rights Division:

H. Why can the U.S. Justice Department deny blatant civil wrong by Judicial "irregularities"?+

‡by Joinder. +see Table of Abbreviations.
*see App. 8 all, esp. *Hollenback v. Hall;* and *Lamb v. Sallee.*

III. STATEMENT OF PARTIES INVOLVED

Besides the Judiciary listed on the cover as Respondents; these Judiciary Respondents members should be commanded to perform their duty too, or explain their derelection and abuse of power of their positions of trust; and therefor Redress Petitioner for all Constitutional American Rights, and privileges, injured by being deprived illegally by "reversible judicial errors", and/or malicious abuse of power; and wherefore every Respondent included below, also illegally condoned, contributed to, aided/abetted, perpetrated, and/or benefitted undeserved enjoyment/unfair gain, because of the judicial, unconstitutional "irregularities". (see Abbreviations)

A. These Judiciary members mentioned as contributory Respondents of this Extraordinary Writ of Mandamus are:

1. Judges of Hawaii Circuit Court: Richard Au, Edwin Honda, Philip Chun, Harold Shintaku, Norito Kawakami, and Arthur Fong;

2. Judges of Hawaii Family Court: Betty Vitousek, James Burns, Barry Rubin (Ex-sub), Donald Tsukiyama, and Richard Lee (Ex-sub);

3. Hawaii Supreme Court Justices: (Ex-Chief) William Richardson, (Ex-Associate) Bert Kobayashi, and Benjamin Menor, (Ex-sub. Associate) Robert W.B. Chang, (deceased, exempt Thomas Ogata), Edward Nakamura, James Wakatsuki, Substitute Justices, Judges: Harry Tanaka, Ronald Moon, Leland Spencer, and Robert Klein (exonerable).

B. Law Enforcement/Citizen Protection Agencies included as Respondents for this Extraordinary Writ of Mandamus are:

1. 1974 Hawaii Bar Assn. Ethics Commission Chairman: James Koshiba;

2. 1978 Hawaii Judicial Qualifications Commission: Robert Stevenson, Clifford Melim, Rev. Charles Crane, (deceased, exempt Wilson Cannon and Mitsuyuki Kido);

3. Hawaii Ex-Governor George Ariyoshi, and involved Hawaii State Government workers;

4. Ex-Hawaii State Disciplinary Counsels: Jung Lowe and Dan Heely;

5. U.S. District Attorneys for Hawaii: Daniel Bent and Frank Wilson;

6. Federal Bureau of Investigation for Hawaii: Chief Counsel Michael Maroni,* and Agents* involved*,

7. Honolulu Police Department Chief Douglas Gibb,* and Special Investigator, Chester Hughes;*

8. United States Marshal for Hawaii: Faith Evans* and Deputies;*

9. United States President Ronald Reagan;*

10. Calvin Hawkins* of the U.S. Department of Justice Civil Rights Division.

C. Other parties involved as Contributory Respondents because of consanguinity of instigation, perpetration, or illegal gain benefit, are Respondents:

1. Court Psychiatrist Dr. Betty Adams;+

2. Court appointed Social Worker Gerry Nagahisa;

3. Other Psychiatrist: Dr. Kwong Yen Lum+ and Dr. Jarret Ko;+

4. Ex-Husband Alfred A. Yee, and once Company Alfred A. Yee & Associates, Inc.

5. Ex-Attorneys for Plaintiff JCY: until Dec. 31, 1974: Robert Hogan; and deceased, exempt Robert Franklin; for one month to June 30, 1975: John Parks; and for four months April to August, 1985: Melvin Wong*

6. Attorneys for Defendants, Respondents (Appellees): Edward Y.C. Chun, Thomas Crowley, Warren Price III, William McCorriston, and M. Tyler Pottenger;

7. Ex-Guardian ad Litem, deceased, exempt Harold Nickelsen;

8. Ex-Chief Clerk as appointed Court Commissioner for Insurance: Gunzie Izumoto;

9. Ex-maid conflicted: Stephanie Kokernak;

10. Insurance Agents/Company conflicted: Bobby Kau; John Williamson; John Hancock Mutual Life Ins. Co.

IV. REPORT OF OPINIONS BELOW

The lower Hawaii's United States District Court denied filing of JCY's Notice of Appeal (APP. C) in that Court, with the opinion that Judge Fong's and Judge Pence's "standing orders" deny filing of any "papers", including Notice of

*all joined per *U.S. Const. Article 4,* and *FRCP, Rules 18, 19(a),* and *Rule 42(a).*

+whereof 20 plus other Psychiatrist/Doctors were requested to give letter of clearance after reading two Petitions, and seeing/reading all products of JCY's Pi PRESS, Inc.; and all refused. Dr. Suzanne Hammer charged $80; no consultation; said needed another appointment.(?)

Appeal; and even armed with *FRAP, Rule 3(a),* Judge Fong's unofficial opinion, per his clerk Karen, was that Judge Fong could not overrule Judge Pence's order; and Judge Pence, per his office and the Office of the Clerk, refused to set aside his order, (APP. 5) not even for "Notice of Appeal" (APP. C).

The United States Court of Appeals for the Ninth Circuit, below, began to perpetrate not filing the Notice of Appeal (APP. A), until reminded of *USSC Rule 10.3* whereof the Court's supervisor Gerry Curtis was reasonable, and approved of filing. Amendment of this Notice of Appeal, appended as APP. B, was filed too.

Also, Petitioner thought the USCA(9) was using its Jurisdiction of *FRAP, Rule 2,* to reconsider Additional Memorandum, and prayed for it to Reopen case USCA(9)#86-8192, so didn't Appeal until after July 2, 1987 when the Court formally "denied" Emergency Motion for Injunction and the Additional Memorandum, etc. (APP. 1) wherefore the Court's opinion unofficially, was the Motions Attorney was still reviewing the Additional Memorandum, and it was "pending", until July Order. (APP. 1)

V. STATEMENT OF JURISDICTION

The JURISDICTION of this Court arises from action, according to Statutory and Constitutional Provisions noted for this Petition for Extraordinary Writ of Mandamus, based on important questions of Federal Law that should be settled by this court, because of lower U.S. Court of Appeals' (for 9th Circuit) condonement of the lower U.S. District Court of Hawaii's conflict decisions which have so far departed from the accepted and usual cause of judicial proceedings; and have been sanctioned by the U.S. Court of Appeals (9th Cir.); wherefore it is not applicable with decisions of this Court here (see RULINGS, APP. 8) and needs this Court's power of supervision, as based on Jurisdiction by *U.S. Supreme Court Rules; 17(1)(a & c), and 26, and 27.*

A. RE: ORDERS SOUGHT TO BE REVIEWED

Orders sought to be reviewed were filed:

1. July 2, 1987 in USCA(9) for formal denial of JCY's "Emergency Motion for Injunction" filed Nov. 25, 1986, and the May 19, 1987 "Additional Memorandum" as Supplemen-

tal Pleading; sent by mistaken impression that the case was not closed yet, not being notified and not having received a copy of the December 17, 1986 Order of Denial, until June 1, 1987 (APP. 1).

2. December 17, 1986 in USCA(9) for denial of JCY's "Petition for Rehearing", wherefore the USCA Court neglected to send a copy of this Order OR notify JCY, until May 20, 1987 upon telephoning the Court for affirmation of filing of the May 19 "Additional Memorandum" noted; whereof Official receipt of this Order was on June 1, 1987. Because of the lower USCA(9)'s neglect, earlier Appeal to this Court was not possible for timely "Notice of Appeal" per Rules.+ Petitioner prays for and Demands use of *Fed. Rules of App. Proc., Rule 2, Suspension of Rules, Article 4, of U.S. Const. and HRS, 657-20,* and *White v. Bloom* (APP. 8#59)+ against "fraudulent concealment" of crime in the lower USDC(Hi); as USCA(9)'s deceptive perpetration of injury by the lower Court USDC(Hi) through "oversight" and neglect, then with promise that the USCA(9) Motions Attorney was considering filing of the May 19, 1987 "Additional Memorandum"; and causing delay of possible Appeal (from June 1 1987 receipt); yet gave hope+ the USCA(9) could/would REOPEN* Petitioner's case and reconsider in the USCA(9) (APP. 2); whereof *HRS 657-20* gives six (6) years' extension of time to plead for redress; and against restraintive, obstructive orders in violation of *Amendment One* of the *U.S. Constitution.*

3. November 4, 1986 in USCA(9), for denial of "Petition for Permission to Appeal" (filed Sept. 24, 1986) for filing proper "Notice of Appeal" in USDC(Hi), which Court denied JCY's right to do so within 30 days after Judge Fong's September 16, 1986 Order of cruel unconstitutional obstructive restraint of Petitioner by the USDC(Hi) which Court initially denied giving Hearing and giving Jury Trial demanded, for JCY's case with merit; for JCY's Complaint and pleas never were frivolous in nature or fact, as distortion/frivolity as the lower USDC(Hi) Court Orders (except Judge King's order of May 14, 1982 that showed the beginning of Reason, so JCY thought) which instigated unconstitutional, unwarranted, restraintive "false arrest"

+correction after Motion printed.
*with *Fed. Rules of App. Proc. Rule 2*

coercive orders, which maliciously abused the due process of the good Courts of America[1]. (APP. 3, 4, 5, & 6(A & B)

4. September 16, 1986 in USDC(Hi), for contentions above, and assassinatory, perjured coercion for non-assertion of JCY's right to live Americanborn with Rights, to COMPLAIN in Court, (APPENDIX 4) where *Art. 4, of the U.S. CONST. and HRS, 657-20* does apply. (see APP. 8, all *RULINGS*, esp. *#24, Jillson v. Caprio*)

5. June 24, 1982 in USDC(Hi) for contentions, and malicious falsity/distortion for restraintive coercion for non-assertion of JCY's right to APPEAR with COMPLAINT, in Court; for JCY never committed malicious abuse of due process or of anyone. At this time, JCY was financially and physically unable+ to Appeal against this Order, having recently worked hard and was in debt for another previous Appeal USSC#81-1500, filed Jan. 13, 1982; wherefore JCY then suffered entrapment to Appeal or suffer the proven sad consequences of "no Rights" for JCY in Hawaii's USDC Court[1]. (APPENDIX 5)

6. June 16, 1981, as the instigation for coercion for non-assertion of JCY's right to use the *U.S. Constitution's First Amendment* for Redress of Grievances, as American-born citizen, even if resident of Hawaii State; by denial or Hearing/Trial[1]. (APPENDIX 6-A)

7. June 5, 1981, as the instigation of neglect of proper adjudication by the conflicted, temporary Judge Walter Heen, Respondent (who proved conflicted as U.S District Attorney and knew JCY knew he was conflicted), who was not confirmed by Congress after appointment by President Carter who lost office shortly after, wherefore Heen's unfair order denying Hearing & Trial; compounded by Respondent Judge Pence's order; instigated/perpetrated entrapment coercion for non-assertion of American Rights to live American in Hawaii, instead of being overcome by communistic, sadistic oppressive obstruction of justice for good lady JCY, who prays for reversal and set aside of all these orders, which were neglected proper review, and caused the perpetrated injury of JCY's life as Americanborn, for use of *AMENDMENTS 1, 4, 5, 7, 8, 9, 13, and 14 of the U.S. CONSTITUTION*, as pled, now degraded[1]. (APPENDIX 6-B)*

[1]whereof *HRS 657-20* and U.S. Const. Art. 4 apply.
+being exhausted and denied help by attorneys.
*with *Fed. Rules of App. Proc. Rule 2.*

ALSO included as evidence, are recent orders by the Hawaii Circuit Court (APPENDIX 9-17) and Hawaii Supreme Court (APPENDIX 18) sent up for review in case USSC#84-1685; whereof proper review was not had, because of conflict of the Justices Named as Respondents in this case, who refused to recuse (MOTION FOR RECUSAL was denied) as conflict also, since the case #84-1685 was not considered on the merits of JCY's case. (APPENDIX 19-20)

Petitioner JCY prays for inclusion of this case USSC*84-1685 as/by JOINDER of claims, remedies, and CONSOLIDATION of cases; to complete this case with one good review/determination (*28 USC 2106*) for this case(s) pled from February 7, 1975 (nearly 12½ years) with continuous merit for JCY who prays for RECUSAL OF ALL JUSTICES NAMED AS RESPONDENTS, for adequate relief cannot be had in any other form, or from any other court, proven; and JCY prays for STAY OF THE ENFORCEMENT OF THE (JUDGMENT) ORDER OF WHICH REVIEW IS SOUGHT; and for GRANT by good ORDER for both of these MOTIONs; as well as GRANT OF THIS PETITION for EXTRAORDINARY WRIT of MANDAMUS.

B. RE: ORDER DENYING REHEARING

The Order which "Denied" "Petition for Rehearing" was filed December 17, 1986, whereof Petitioner was not notified until May 20, 1987, and officially received a copy of the Court Order on June 1, 1987, as pled in part A.2. of this "Statement of Jurisdiction" here.

C. STATUTORY PROVISIONS FOR JURISDICTION

Statutory Provisions of pertinence for Jurisdiction, are:

1. *Title 28, USC: 1254(1), 1651, 1654, 2101(c), 2106,* and *2403(a)* if applicable.
2. *Title 42, USCS: Chap. 21; sections 1981, 1982, 1983, 1985, 1986,* and *1988* in particular.
3. *Hawaii Revised Statutes, Chapter 657-20,* useable with application of *U.S. Constitution, Article 4,* for use against "fraudulent concealment" by all Courts named, involved, for assassinatory, malicious, obstructive, coercive "incapacitation"+ of JCY, who objects, and asserts rights for redress.

*with *Fed. Rules of App. Proc. Rule 2*
+see APP. 7.

D. RE: MISCELLANEOUS PERTINENCE

The Notice of Appeal to this U.S. Supreme Court was filed July 20, 1987, and hereby as Appendix A, with Amendment, as Appendix B, filed July 31, 1987.

VI. CONSTITUTIONAL PROVISIONS AND RULES OF PERTINENCE

The Constitutional Provisions and Rules of pertinence are partly appended as LAW in APPENDIX 8:

1. *The Constitution of the United States, its Article 4;* and its *Amendments 1, 4, 5, 7, 8, 9, 13,* and *14;* are important for this case, and are being neglected by all Respondents Judiciary involved, and invokes the Jurisdiction of this Court, also against their perjury of Oaths, to uphold and support the *Constitution of the U.S.*, and its laws.

2. *The Rules of the Supreme Court of the United States, Rules: 10.3, 13, 17(1)(a & c),* most of all *19, 26, 27,* and *Rule 52* for Federal Question to be presented.

3. *Federal Rules of Civil Procedure, Rules 18, 19(a),* and *42(a)* for Joinder of new Respondents, are important; and *Rule 26* for discovery too, using "documents of discovery" of Court Orders in conflict with this Court's acceptable applications per RULINGS appended in APP. 8, whereof the unusual application by this Court, warrants Recusal by Justices named as Respondents; and *Rule 68,* for possible use for determination Order; whereof all *FRAP* and all *FRCP Rules* should be useable, with prayers for its use with/by *U.S. Constitution's Article 4.*

4. *Federal Rules of Appellate Procedure, Rules 2; 3(a).*

VII. STATEMENT OF FACTS OF THIS CASE

The background of pertinent facts of this case have been pled in Petitioner's accompanying:

(A) Motion to Stay the Enforcement of the (Judgment) Orders of Which Review is Sought; and

(B) Motion for Recusal of all Justices Named as Respondents.

Prayers are for use/Consolidation of this part II. Background of the Motions, as pertinent and relevant for this Petition's proper review, as well as for use/Joinder of

previous case USSC#84-1685, for strong relevance; both actions per *FRCP, Rule 42(a)* and *U.S. Const. Article 4.*

Questions have been presented for each Respondent involved for this Extraordinary Writ of Mandamus, for performance, or for reason why the involved Judiciary and involved Law Enforcement/Citizen Protection Agencies, were so obviously biased, that they didn't consider JCY's case(s) on its merits, and wouldn't help.

Because of this, adequate relief cannot be had in any form or from any other Court except this Court as the highest Court with its power of supervision over all Courts. May this be considered an ARGUMENT also.

For twelve and a half (12½) years, JCY pled true re: primary grievances of being denied right for freedom as Americanborn "capable" lady (alone) with merit for free enterprise with equal opportunity and fair competition, all restrained by unconstutionality coercing non-assertion of "Rights", therefore "incapacitation" of JCY, who Appeals again because of unfair denials/dismissals/deprivations.

During 1985–1986, Petitioner was denied privilege/right for Jury Trial in Hawaii Circuit Court, and unfairly ordered to pay costs of Defendant (Respondent) Robert Hogan, ex-attorney of JCY's to Feb. 28, 1974; when Hogan was fired, because of negligence and much grievous injury of JCY, proven in the past fourteen (14) years.+

Because Hawaii's USDC(Hi) Court once denied even Hearing of similar matter re: prosecution of ex-Governor Ariyoshi's conflict corruption appointments; the Respondent Judiciary, then,‡ of Hawaii Circuit Court (HCC herein) proved conflictedly biased for their appointer Ariyoshi, Democrat; wherefore Respondent Hogan's attorney Thomas Crowley (Respondent) works for the active Democrat team of Cades, Schutte, Fleming, and Wright, conflictedly politically in Court too.

Because of this above, it was proper for Petitioner to Motion for Relief and to Reopen JCY's case in USDC(Hi), for importance as Federal case of deprivation of civil rights use in Hawaii unless "color of State Law", by conflict Ariyoshi/W. Richardson++ team appointed Judiciary, which

+from initial employment of Hogan 9/16/71.
‡1985–1986.
++Ex-Chief Justice, Hawaii Supreme Court.

(1) deny JCY's true merit, and (2) penalize JCY who suffers by (a) Judge Au's[1]* Order to pay Respondent Hogan[2], who distorted defense by his Attorney Crowley[2]; and suffers by (b) Judge E. Honda's[1] cruel and unusual distortion;+ deletion/omission of parts of the HCC Court Records for JCY, especially for filed proper Request for Default of five (5) Defendants, who didn't plead or defend in time; and suffers from (c) Hawaii Supreme Court's "instant" dismissal of Opening Brief/Appeal from HCC's NO Jury Trial, demanded.

Instead of seeing JCY's undue burden and suffering, and probable cause to reopen JCY's case USDC#81-0148, Judge Harold Fong unfairly condoned Judge Martin Pence's prejudiced, unconstitutional, distorted "irregularities"++ of unwarranted, obstructive restraint of Plaintiff (Petitioner) who didn't receive any Hearing or Jury Trial yet for #81-0148 as "Right", so should not be coerced to admit "res judicata"[2] since the Judiciary Respondents were so biased, and the Bar Association wouldn't help JCY for/on contingency yet, because of deprivation of funds, by conflict Judiciary.

Because of the funds situation; deprivation of fast collection (App. 23(A & B)‡), or collection of 20 years' work promised compensation**, JCY once was coerced to non-assertion to appeal against Judge Pence's[3] unfair restraint Order of June 24, 1982, (App. 5) wherefore Judge Pence's "fraudulent concealment" of/and contributory method for "incapacitation" of JCY gives JCY sum of six (6) years' extension time to plead for this Court to set aside or reverse Judge Pence's Order entirely and all Orders (except Judge King's May 14, 1982 order) and this is so prayed here, because the lower USCA didn't help yet, giving six years from the last Order (July 2, 1987), for reversal or set aside of the USCA(9) Orders also, except Judge Canby's.

Meanwhile, after Judge Fong's 9/16/86 Order (App. 4):

1. On Sept. 18, 1986, was denied filing "Objection to Judicial, Unconstitutional Malcious Abuse of Process"

*see App. 10, 12, 13, 15, 16.

[1]*Fluharty v. Fluharty; Gloss v. People; Gregory v. McInnis; Griffin v. Breckenridge; Haaslam v. Morrison;* and all *Rulings;* App. 8.

[2]*Warren v. Union Bank,* and all *Rulings.*

[3]*Lyons v. St. Jos. Belt Ry. Co.; May Hosier, Mills v. USDC(Mont.)*

+see App. 9, 11, 17.

++see Table of Authorities; Abbreviations.

‡Note "B" satisfied 8/7/87.

**as business consultant, 20 years.

2. On Sept. 22, 1986, was denied filing proper "Notice of Appeal" (APP. C). The USDC(Hi) Judges all named as Respondents, refused to file the Notice of Appeal (APP. C); and then as insult added to injury, JCY was "escorted" out of the Courthouse Building by one of the "Deputies" of the U.S. Marshal's office, and denied entry thereafter, even for service to the second floor's U.S. District Attorney, Deputy Michael Chun. All matter had to be mailed, per the Deputies (Marshal's), causing extra burden of financial drain of JCY's finances, suffering degradation by deceptive unconstitutional gross cheat/swindle; proven and obvious to the community, but ignored by the Judiciary negligent of the principle of Constitutional Law.

   The lawyers were conflict to coerce their winning the case, instead of any regard for betterment and perpetuation, rather than unconstitutional perpetration.
3. On Sept. 24, 1986, the USCA(9) filed JCY's "Petition for Permission to Appeal".
4. On Nov. 4, 1986; the USCA(9) denied JCY's Petition.+
5. On Nov. 13, 1986; "Petition for Rehearing" was filed.*
6. On Nov. 19, 1986; JCY's Amendment; for Inclusion of Suggestion for Petition for Rehearing in Banc, was filed*.
7. On Nov. 25, 1986; JCY's Emergency Motion for Injunction to Stay the Lower Court Orders, Pending Consideration of Petition for Permission to Appeal; was filed; In Banc.
8. On May 19, 1987, the USCA(9) "Received" JCY's "Additional Memorandum of Law for Emergency Motion for Injunction to Stay the Lower Court Order Pending Consideration of Petition for Permission to Appeal; per Petition for Rehearing".

   Meanwhile, on May 26, 1987; JCY tried to file an "Affidavited Objection to Distortion by Defendant Hogan's Attorney" in Hawaii Circuit Court; but the clerks refused to file any documents because of the illegal, distorted, "Protective Order" for Defendants, which was illegal conspired, oppressive restraint obstruction; until Judge Robert Klein, who is partly exonerable for this action, stamped "Accepted for Filing" on May 27, 1987, so that it could be filed then.

+App. 3.
*in USCA(9).

9. On June 1, 1987; the copy of the December 17, 1986 Order from USCA(9th Cirucit) was officially received, as noted; since the USCA neglected to notify JCY then to May 20, 1987 when they were contacted to check the filing of the 5/19/87 "Additional Memo".
10. On June 23, 1987; an "Additional Exhibit for the Additional Memorandum, etc., Received 5/19/87 by This Court" was filed, in USCA(9).
11. On July 2, 1987, the USCA(9)'s final Order was filed, and appended as APP. 1, for Review by This Court.

    Meanwhile, on July 8, 1987, JCY wrote to one hundred eight (108) Attorney Placement/Referral firms across America, and have not received answers yet from anywhere.
12. On July 20, 1987; JCY's "Notice of Appeal to the Supreme Court of the U.S. from Final Order, and Orders of the USCA(9)" was filed. (App. A)
13. On July 31, 1987; Amendment of Notice of Appeal was filed. (App. B)

The Respondents Judiciary, and Contributory Respondents, abused their judicial powers[1], using unauthorized action for exclusion of Petitioner JCY from entry into the Court, and from "due process", as filing proper Notice of Appeal, wherefore Judge Pence and Fong, condoned by Judge King of the USDC(Hi), and condoned further by the USCA Judges: Hug, Poole, and Norris, all were not empowered to take this action of unconstitutionality invoking this Court's Jurisdiction against "irregularities"+ obstruction, causing "coercive" "incapacitation" of JCY who asserts Rights to life, liberty, and pursuit of happiness, as capable capitalist, lady.

VIII. WHEN FEDERAL QUESTIONS WERE RAISED

The Court of first instance[1] invokement, was Judge Fong's Court, which would not file JCY's "Motion for Relief, and to Reopen case USDC(Hi)#81-0148"; with plenty of merit explained/exhibited to Judge Fong confidentially, by letter with exhibits of FRESH IDEAS by JCY, as proof of sane stability/capability with "Right" for redress.

In the second instance[1], Judge Fong's Court had no reason to deny filing JCY's proper "Notice of Appeal"; a

[1]*Britt v. Suckle; Capital Electric Co. v. Cristaldi; Cook and Nichol, Inc. v. Plimsol Club;* and all *Rulings.*

+see Table of Authorities, Abbreviations.

Federal Question this Court should settle; wherefore the USDC(Hi) was aggressive that only Judge Pence could put aside his order, which was offensively distorted prejudiced obstruction without probable cause.

In the third instance[1], Judge Pence definitely prejudicedly, refused to listen to reason, and/or put his Order (App. 5) which was "personal" in attitude, and taking advantage of "position" to assassinate JCY's reputation, name, and character.

The Question of Constitutionality arises with the Question of Jurisdiction of filing a notice of appeal, proper after any Order, especially one of restraint; wherefore, this Court should settle the Question of who takes precedence: the Law Books (*FRAP, Rule 3(a)*) or Judge Pence?

In the fourth instance, the USCA(9) denied JCY's "Petition for Permission to Appeal", yet it admits that "a District Court should not prevent the filing of a notice of appeal"; but it wouldn't Order the lower USDC(Hi) to file the Notice of Appeal in Question; as duty, thereby not strengthening the Jurisdiction of the lower Court, or of itself; wherefore without the filing of the Notice of Appeal, JCY could not send JCY's Opening Brief, or Appeal. That was the fifth instance of invokement.[2]

In addition, JCY has reasonable merit to demand impartial Justices (or Judges) for this case because *28 USC 2403(a)* may be applicable because of the Federal Questions raised many years now, and not presented before this time to the Court; of the unconstitutionality of an Act of Congress:

1. giving the President of the United States the right to appoint U.S. Judiciary, instead of election of Judicial members, and thereby giving America the best person for positions of trust, for most proper Constitutional Law, not conflicted. This gives rise to the Question of Constitutionality of *RULE 52 of this U.S. Supreme Court Rules:* If Petitioner Pro Se Janice Ching Yee suffers from traumatic "irregular"[2] or unusual denials in the U.S. Supreme Court (denied without consideration of merits, like case USSC#84-1685) can *this Court's Rule 52's* "President" be the cause of "prejudice exclusion in Federal Courts"?

2. giving States the Right to give its Governors

[1] *Britt v. Suckle; Capital Electric Co. v. Cristaldi; Cook and Nichol, Inc. v. Plimsol Club;* and all *Rulings.*

[2] *Rice v. Winkleman; People v. Ormsby; McClellan v. Mississippi Power & Light; Mitchell v. Boslow; NLRB v. Grower-Shipper Veg. Assn.; Peck v. U.S.;* and all *Rulings.*

appointive status for Judiciary members; with few States lucky to elect Judges/Justices, for best person for the position for best State Court decisions, not conflicted.

IX. ARGUMENTS RELIED ON, FOR THIS WRIT

Arguments will accompany the Questions, (as initialed and numbered) asked of each class of Respondents, of Which Relief is Sought, for Petitoner.

IX. 1. A. USCA(9th) Judges: Proctor Hug, Jr.; Cecil Poole, Wm. Norris, ET AL;+ in USDC(Hi), should have considered in review:

1. the lower USDC(Hi) Court's malicious abuse "irregularities"[1] restraint of JCY, who appeals their misconduct in conflict with acceptable decisions by this Court; whereof Their obstruction denied "Petition for Permission to Appeal" whereof with Grant, JCY could then Petition for Writ of Mandamus in USCA(9) instead of being injured by their negligence, without means to Appeal in USCA(9) then. (APP. 3)

2. JCY's Emergency Motion for Injunction, with true relevance proven by their denial, of "prejudice by the judiciary" in 1982;[2] which worsened the "distortions" noted in Hawaii Circuit Court now, instigating/perpetrating much deceptive "irregularities",[1] causing oppressive coercive incapacitation of JCY, pled.

3. JCY's Petition for Rehearing; and not neglect to notify Plaintiff JCY, so JCY could appeal on time to this Court, against the Dec. 17, 1986 order (App. 2) wherefore this should be considered an error of the USCA(9th) Court; and may this Court consider JCY's Petition for Extraordinary Writ of Mandamus here timely and pertinent proof for APPEAL against the Dec. 17, 1986 Denial order; whereof JCY prays for Order for determination (*28 USC 2106*) of JCY's twelve and one half (12½) years' pleas for redress, recovery, and relief, delayed.

4. JCY's case never had Hearing or Jury Trial, so "res judicata"[3] cannot apply, if JCY proved loss of moneys in original Complaint of case USDC(Hi)#81-0148, and summary can be sent, upgraded for this Court's determination; and

[1] *Jillson v. Caprio;* and all *Rulings.*

[2] see USSC#81-1500, for USCA#81-4326, for USDC(Hi)#81-0148.

[3] *Fannie v. Chamberlain,* and all *Rulings.*

+the previous 4 Judges condoned/perpetrated NO Hearing and NO Jury Trial demanded.

wherefore the U.S. Court of Appeals should not deny the "Additional Memorandum" for it proved more reason to Re-open JCY's case, of the Court's own discretion, and own accord; per *FRAP, Rule 2;* to stop the coercive degradation/deprivation of JCY, who pled for help/protection by the Court,[1] who perpetrated Judges Heen and Pence, and "protection of Defendants/Respondents," who didn't have merit for claims.

IX. 2. B. The USDC(Hi)[2] Judges: Harold Fong, Martin Pence, Sam King, Waltern Heen‡

1. Do not have Right or Jurisdiction to exclude JCY from the Court, or from due process of law[3] for Redress of JCY's grievances, with Jurisdiction in the U.S. District Court of Hawaii; for JCY's Complaint was not frivolous or charged frivolous, and was not maliciously abusive after all, according to *U.S. Const. Amendments 1, 4, 5, 7, 8, 9, 13, 14.*

2. Do not have reason to deny that Defendants/Respondents violated the American Constitutional civil rights of JCY, as Complainant, Appellant, Pro Se, who claims the use of (by *U.S. Const., Art. 4*) HRS, Chapter 657-20, against their "fraudulent concealment" as "irregularity" of violations of *Title 42's Sections 1981, 1982, 1983, 1985, 1986,* and *1988* especially, against unconstitutional "irregularities"[4] instigated/perpetrated by Respondents (Judicially especially) named or unnamed, involved, knowingly or unknowingly, (by resultant effect) committing obstructive coercion, incurring damages for injury of JCY, who suffered fourteen (14) years from judicial restraint, and restraint of trade, because of their "irregularities"[4] causing grievances and terrible abomination of JCY's spirit/soul for freedom and peaceful living; whereof JCY used "documents of discovery" of Court Orders/Record on Appeal, of judicial bad intent "irregularities"[4] as exampled by Respondent Betty Vitousek, Family Court Judge instigator, who ordered+ decrease of alimony because she found (ordered)+ that JCY purchased inexpensive acreage (thinking to

[1]*Jacob v. Board of Regents,* and all *Rulings.*

[2]*Britt v. Suckle,* and all *Rulings.*

[3]*Rice v. Winkleman; People v. Ormsby; McClellan v. Mississippi Power & Light; Mitchell v. Boslow; NLRB v. Grower-Shipper Veg. Assn.; Peck v. U.S.;* and all *Rulings.*

[4]all *Rulings.*

‡who is out of Court but instigated the prejudice of that Court.

+The Court Records can be sent up, or see case USSC#75-1429; App. F(7), p. 2, par. 3.

build old peoples' centers someday) with down payment by inheritance moneys from Father and Mother, whereof monthly payments were a little over $400 per month for 80 acres in Arizona and 40 acres in Washington State (both 20 acres now given to the children for wedding gifts), wherefore Respondent AAY was not suffering hardship JCY suffered then, and wasn't supposed to pay her own way after 20 years' work to build ex-husband and company to 66 men.

3. Cannot/should not "order" "protective orders" as frivolity and perjury by Judiciary/Respondents, who all warranted conviction with the help of the Court/duty; not exoneration of wrong by them; no matter who they were (see Rulings) wherefore the Court Orders resulted in victimizing the victim JCY, who neve perjured or committed malicious abuse, as falsely[1] accused by Judge Pence.

4. Does not have Right of Jurisdiction to deny filing Notice of Appeal, pled.

5. Cannot/should not perpetrate the Deputies of the U.S. Marshal's office in denying access[2] into the Court or the U.S. Courthouse Building also, for both are paid for by U.S. citizens' tax moneys and should be accessible to all U.S. Citizens within reason, and JCY does live within reason.

IX. 3. C. Hawaii's Judiciary, Judges: Richard Au, Edwin Honda; Philip Chun; Betty Vitousek; James Burns; Donald Tsukiyama; ET AL: do not have Rights or Jurisdiction to render decisions/orders and judgments, in conflict with this Court's decisions, per *USSC Rules 17(1)(a & c),* and they do not have Jurisdiction or Rights to oppressively "incapacitate"+ by coercion for non-assertion of JCY's Americanborn Constitutional Rights for:

1. Redress of over 55 grievances/allegations; with real merit proven most by unconstitutional Court Orders, as "documents of discovery" pled.

2. Equal Rights to enjoy life, liberty, and pursuit of happiness even if JCY won divorce from Respondent AAY, who does owe JCY compensation earned and promised; as Complained, as matter of civil rights.

3. Equal Freedom to use/enjoy the *First Amendment* Rights for choice of free enterprise with equal

[1]All *Rulings,* APP. 8.
[2]*Britt v. Suckle;* and all *Rulings.*
+App. 7.

opportunity and fair competition, even as Pro se Plaintiff/Petitioner; as pled, for lifestyle.

4. Life as capable lady, as pled, without unfair restraint penalties as coerced attached liens, imposed by judicial "irregularities"[1] against JCY's courage to live independent with individual Rights, injured by perpetrated deceptive coerced "incapacitation"[2] since Sept. 16, 1971 initial action for divorce.

5. Equal Rights as lady owner, for choice to use one's own moneys, not forced by illegal Court Order to lend any of it; especially for illegal one party contract(s). (App. 23(A & B)++)

6. Self manageress of one's own moneys, as (someday redressed) "capable" lady JCY, who does balance all financial books for self and for self owned business, Pi PRESS, Inc. with branches Dress Investment and Fresh Ideas.

7. Enter any U.S. Building, paid for by American tax moneys, without restraint of any type; pled.

8. Jury Trial anytime demanded in Court, without being barred from entry by/to any Court, or on the way to Court.

9. Consideration as adult, and not be taught "a lesson of equal lifestyles" because it is unconstitutional, and does not have merit for equal rights, and JCY should not be forced to suffer this violation of *Amendments 1, 4, 5, 7, 8, 9, 13,* and *14.*

10. Impartial Orders/Judgments instead of condonement/perpetration of prejudiced ex-Chief Justice Wm. Richardson's "order" (singularly) that he would "deny any application of Appellant's".*

IX. 4. D. Justices of the U.S. Supreme Court: (Ex-Chief) Warren Burger, (Chief) Wm. Rehnquist, Harry Blackmun, Thurgood Marshall, ET AL:

1. should have reviewed and/or determined JCY's case(s) for best Law use as Landmark case; and not condone/

[1] *U.S. v. Classic* and all *Rulings.*

[2] *Jillson v. Caprio* and all *Rulings.*

[3] In Re: *Ledwith International Paper Co.*, and all *Rulings.*

++Note B was fully satisfied 8/7/87.

*App. 27: 1st appended USDC(Hi)#81-0148 EXCERPT APP. p. 306-307 for USCA(9)#81-4326; then noted in USSC#81-150; then used as EXH. EA in case HCC#83013; then HSC#10354; then noted in USSC#84-1685; never stressed hard, but transmission of record was requested from each Court, each time; and ignored or denied; yet.

perpetrate the cruel/unusual "irregularities"[1] for assassinatory coerced "incapacitation"[2] of JCY who prays yet for freedom from "entrapment" by any Judiciary involved.

2. should not have contributed to, as aid and abet, the lower Courts' obvious prejudiced malpractice malevolence[3] by perpetrated denial of JCY's rights for redress/recovery/relief by any legality; neglected by the lower Courts which "fraudulently concealed"[1] the liability of Respondents of case USDC(Hi)#81-0148, once appealed here as USSC#81-1500 from USCA#81-4326; whereof all Courts unfairly denied wrongdoers were wrong re: NO Hearing and NO Jury Trial demanded.

3. should have seen the burden imposed by judicial negligence compounded by "malevolent disinterest"[1] which aids/abets the instigated Family Court Respondent Betty Vitousek's wrong of "false arrest" restraint[2] of "incapacitated"[2]; whereof JCY pled so clear for 12½ years in America's Court system, with best of JCY's pleas as real Plaintiff, Petitioner, Appellant, Pro se; for deserved redress/recovery/relief.

4. should not have condoned/perpetrated the conspired resultant unconstitutionality of the lower, bad intentioned conflict Judiciary; and was even recently warned/beseeched by June 22, 1987 letter requesting their discretion to Reopen JCY's case USSC#84-1685, of their own accord, for betterment of American Law. (App. 24)

IX. 5. E. The Law Enforcement/Citizen Protection Agencies should protect and help citizen/victims like JCY, with reason for clearance of JCY's case(s) where JCY suffers yet from undue burden/trauma of prejudiced Judicially instigated/perpetrated "irregularities"+ in conflict with this Court's acceptable decisions, per *USSC Rules 17(1)(a & c),* and whereof *28 USC 2403(a),* (and *2106*) may apply; in aid of this Court's Jurisdiction, also. This group includes lawyer Groups as the ACLU‡ of Hawaii (approached twice).

1. Hawaii Ethics Commission's 1974 Chairman—James Koshiba's error that he could not see anything Robert Hogan did which was unethical.

[1]In Re: *Ledwith v. International Paper Co.* and all *Rulings.*
[2]*Jillson v. Caprio,* and all *Rulings.*
+see Table of Abbreviations.
‡American Civil Liberties Union.

2. Hawaii Judicial Qualifications Commission of 1978: Robert Stevenson, Clifford Melim, Rev. Charles Crane, ET AL: who couldn't see the errors/conflicts of the Judiciary members then in conflict obstruction, "fraudulent concealment", coercion for non-assertion of Rights for JCY to prosecute Respondent Betty Vitousek, ET AL; who were all guilty of "irregularities" per "discovery documents" of Court Orders which were in conflict with acceptable decisions, or judicial proceedings, or sanctioned departure of lower courts; that Respondents then concealed each others' wrongs. Whereas, member Commissioner, Respondent Charles Crane said later that he thought "it was the better thing to do" "under the circumstances"; which decision of theirs then compounded by the decision that they couldn't see wrongs (not even the "incapacitated"[1] order) the errant Judiciary committed; which invoked the Jurisdiction of the Court, because it was not in keeping with this Court's precedent Rulings (App. 8) or so far sanctioned such unconstitutionality, by denials, which fraudulently concealed wrong was committed; giving six (6) years extension[2] of time to plead and prosecute, with prayers for "exercise of this Court's power of supervision", against named Respondents.

3. Hawaii's Ex-Governor George Ariyoshi,[3] who was notified that James Burns[3] was conflicted, unconstitutional, prejudiced; and appointed[4] Burns anyhow to the State Intermediary Court; (App. 25 & 26) wherefore Respondent Ariyoshi gained 14 years of illegal political gain because persons like JCY suffer from oppressive conflicted obstructive political coercion by illeal Judiciary as tools for this irregularity; to prevent fair competition and equal opportunity for political potential candidates.

4. The Hawaii based Federal Bureau of Investigation (FBI)[3,4] Chief Counsel, Michael Maroni, and Agents who were approached several times to help against the coercion for incapacitation by coerced non-assertion of rights to live American, even to pleading as Complainant Pro se, in USDC(Hi); discovered that his office didn't believe in Constitutional Law as interstate AND intrastate; so that they could/wouldn't help JCY; and then it was discovered that they could not bring the case to the Grand Jury to prosecute

[1] *Jillson v. Caprio* and all *Rulings.*
[2] *HRS 657-20*
[3] *U.S. v. Classic* and all *Rulings.*
[4] *White v. Bloom, et al.*

unless the U.S. District Attorneys of Hawaii approve, even when apprised of the facts of the case, and seeing copies of the pleadings/petitions.*

5. Hawaii's U.S. District Attorneys[1] Daniel Bent and Frank Wilson, who seemed compassionate with interest to help, then reverted to the "unusual" attitude there wasn't anything they could do to bring the case to the U.S. Grand Jury, against unfortunate political control of Hawaii, which does not use *U.S.* (or *Hawaii*) *Constitutional Law* equally for all persons.

6. Hawaii State Disciplinary Counsels (1) Jung Lowe,[1] who denied Jurisdiction after holding onto the matter brought in one and one half (1½) years, and was directed to his office by James Koshiba,[1] and (2) Dan Heely,[1] who denied any wrong by lawyers after seeing one cartonful of pleadings and petitions.

7. Honolulu Police Department Chief Douglas Gibb,[1] and Investigator Chester Hughes,[1] who couldn't find any wrong to send a report to Hawaii Prosecutor Charles Marsland's office[1] (who wouldn't help without the report), so the Prosecutor could bring the case to the Oahu Grand Jury.

8. The U.S. Marshal Faith Evans[1] of Hawaii, and her Deputies do not have Right or Jurisdiction to exclude anyone, especially Americanborn citizens, taxpayers, from entering the U.S. Courthouse, for any reason, and JCY was not obnoxious or loud; whereof JCY speaking softly to Judge Harold Fong's clerk re: his considering filing "Notice of Appeal" in question, didn't warrant being barred permanently from the U.S. Courthouse; even to deliver service to the U.S. District Attorney's office, in the same Building.

IX. 6. F. Pleadings of Law should not be thought of as in a game of chance; Law should be serious because the results determine the future of the Nation's strength for healthy administration and/or children of future freedom.

IX. 7. G. United States President Ronald Reagan,[1] should not cause "restraint" of Janice Ching Yee, as individual; or cause "restraint of trade" for JCY's Pi PRESS, Inc. and branches; whereof *this Court's Rule 52* should be reviewed, for *28 USC 2403(a)*

*pled in USSC#84-1685, Petition for Rehearing.

[1]*U.S. v. Classic, White v. Bloom;* and all *Rulings.*

may apply; and maybe "All process of this Court shall be in the name of the United States of America" so it would not tempt abuse of power. May this Court settle this Federal Question, please.

IX. 8. H. All members of the U.S. Justice Department, Civil Rights Division, especially Calvin Hawkins, were malevolently disinterested in JCY's civil Rights, except ex-Solicitor General Rex Lee, who really cared and "waived" the rights of the Government to file a response, "unless requested to do so by the Court."

IX. 9. I. Being real Petitioner Pro Se, Janice Chine Yee, didn't know if a Direct Appeal could also be pled together with this Petition for Extraordinary Writ of Mandamus; so Petitioner rests with prayers and knowledge as entitled, that this Court can do its best to review and determine this case, with lawful solutions suggested by JCY for the betterment of this Court's Jurisdiction, to supervise the best way to give JCY redress, recovery, and relief pled for.

IX. 10. J. Because same Petitioner suffers from exceptional circumstances warranting the exercise of this Court's discretionary powers, where it has been proven ("documents of discovery") in the U.S. District Court of Hawaii, U.S. Court of Appeals for the Ninth Circuit, and/or the Hawaii Family Court, Hawaii Circuit Court, and the Hawaii Supreme Court; and/or the U.S. Supreme Court if the Respondents named sit in review, conflicted instead of recusing; THAT adequate relief cannot be had in any other form or from any other Court than the U.S. Supreme Court as highest Appeals Court of/with Supervision; THEN Petitioner JCY prays for impartial Justices for this case as probable final Appeal for freedom/Rights, promised by all Law and Rulings pled.

IX. 11. K. Because of this above, and all ARGUMENTS: "The Supreme Court may issue a Writ of Mandamus in aid of the Appellate jurisdiction that might otherwise be defeated by the unauthorized action

of the Court ". *McClellan v. Carland, 217 U.S. 268, 30 S. Ct. 501, 54 L. Ed. 762. Black's Law Dictionary; 5th ed.*

X. CONCLUSION FOR GRANT OF THIS WRIT

In Conclusion, Petitioner Pro se Janice Ching Yee prays that this Court Order/Grant this Extraordinary Writ of Mandamus, and Order "settlement" for this case, to be perfected in the United States District Court of Hawaii, by an impartial Judge, with Order for Summary Judgment for Petitioner JCY, with Order also, that all Respondents "Offer Settlement", per *Rule 68, of Federal Rules of Civil Procedure,* because the lower USDC(Hi) Court seems to need strong direction from this Court, as to duty and Oath.

Also of importance, prayers are for Order/Grant of same Petitioner's "(A) Motion to Stay the Enforcement of the (Judgment) Orders of Which Review is Sought; and (B) Motion for Recusal of All U.S. Justices Named as Respondents", unless they sign Affidavits of Good Intent to review and/or determine (*28 USC 2106*) Petitioner's Writ of Mandamus/case of its true merit pleas, for civil rights redress, recovery, relief, due for same Petitioner JCY, now.

Petitioner prays for this Court, and thanks it for its time to do this; with reason to consider ALL pleas/appeals pled in this Court* to be consolidated** part and parcel, for best review of this summary Civil case.

(Mrs.) Janice Ching Yee

(Mrs.) Janice Ching Yee, Petitioner Pro Se
at: 3169 Alika Avenue, Hon. Hi. 96817.
ph: 808-595-3426

Dated, this August 20, 1987.

*at any time.
**per *FRCP, Rule 42(a),* and *U.S. Const. Art. 4.*

No. 87-_____

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 1987

In Re: Janice Ching Yee, Petitioner Pro Se;

v.

Judges: Proctor Hug Jr.; Cecil Poole; William Norris, ET AL;
Respondents.+

AFFIDAVIT OF PETITIONER PRO SE, AND/FOR PROOF OF SERVICE

STATE OF HAWAII)
) SS
CITY AND COUNTY OF HONOLULU)

Janice Ching Yee, as Affiant, being duly sworn, deposes and says that I am the privileged Petitioner Pro Se, who executed the foregoing instrument, and reside at 3169 Alika Avenue, Honolulu, Hawaii, 96817; where I do solemnly swear that I will conduct myself uprightly and according to Law in this Court, and that I support the *Constitution of the United States;* for this Extraordinary Writ of Mandamus.

I have read the same and know the contents thereof, where same JCY never intends frivolity, perjury, or delay.

The matters stated therein are true to my knowledge, except such matters as are stated to be upon information and belief, and to those matters, I believe them to be true.

Also, after duly sworn, Affiant deposes and says that pursuant to *Rule 28.5(c) of this United States Supreme Court Rules,* all parties required to be served will be served, by hand delivery, or by mail or certified mail delivery, addressed to:

Hon. Judges of the United States Court of Appeals for the Ninth Circuit: Proctor Hug, Jr., Cecil Poole, William Norris, Alfred Goodwin, Otto Skopil, Harry Pregerson, and Warren Ferguson.

at: Seventh & Mission Streets, P.O. Box 547, San Francisco, California, 94101. ph: 415-556-6120.

for each, for self, as Contributory Respondents.‡

+as listed on cover of Petition.

‡Respondent of this Extraordinary Writ of Mandamus

Hon. Judges: Martin Pence, Samuel King, and Harold Fong; and the U.S. District Court for Hawaii;
at: c/o Office of the Clerk, 3rd Floor of the U.S. Courthouse of Hawaii;
300 Ala Moana Boulevard, Honolulu, Hawaii, 96813.
ph: 808-541-1300.
for each, for self, as Contributory Respondents.‡

Hon. Hawaii United States Marshall Faith Evans and Deputies
at: First Floor, United States Courthouse of Hawaii;
300 Ala Moana Boulevard, Honolulu, Hawaii, 96813.
ph: 808-541-3000.
for each, for self, as Contributory Respondents.‡

Hawaii Attorney General, and Deputies
at: Hawaii State Capitol, 415 South Beretania Street
Honolulu, Hawaii, 96813. ph: 808-548-4740.
for Warren Price III, and Respondents related to Hawaii State Government, involved.

Hon. U.S. Solicitor General, and
Hon. U.S. Attorney General,
both at: U.S. Department of Justice; Washington, D.C. 20530.
for *28 USC 2403(a)* may apply. ph: 202-633-2000.
for Respondents‡ related to the U.S. Government involved.

Hon. Ex-Chief Justice Warren Burger, Chief Justice William Rehnquist, and Associate Justices: Byron White, Harry Blackmun, Thurgood Marshall, William Brennan, Lewis Powell, John Paul Stevens, and Sandra O'Connor;
at: Supreme Court of the United States
1 First Street, N.E., Washington, D.C. 20543
ph: 202-479-3000.
for each, for self, as Contributory Respondent.‡

Hawaii U.S. District Attorney, Deputy Michael Chun, for/and Hawaii U.S. District Attorney, Daniel Bent and Frank Wilson;
at: Room 242, U.S. Courthouse of Hawaii,
300 Ala Moana Blvd.
Honolulu, Hawaii, 96813. ph: 808-546-7170.
for Respondents Bent and Wilson, and Respondents‡ related to the U.S. Government in Hawaii.

‡Respondent of this Extraordinary Writ of Mandamus

Attorney Edward Chun, of Chun, Kerr, and Dodd;
at: Suite 1408, of 700 Bishop Street,
Honolulu, Hawaii, 96813. ph: 808-531-6575.
for Respondents Alfred A. Yee, & Alfred A. Yee & Associates, Inc.

Attorneys William McCorriston, of Goodsill, Anderson, ET AL;
at: Suite 1600, of 130 Merchant Street,
Honolulu, Hawaii, 96813. ph: 808-547-5600.
for Respondents McCorriston, Edward Chun, & John Hancock Mutual Life Insurance Company.

Attorney David Fairbanks, of Cronin, Fried, Sekiya, ET AL;
at: Suite 1900, of 841 Bishop Street,
Honolulu, Hawaii, 96813. ph: 808-524-1433.
for Respondents James Koshiba, and Hawaii State Bar Assn. involved.

Attorneys Charles Witherwax, and M. Tyler Pottenger, of A Law Corp.
at: Suite 1420, of 841 Bishop Street,
Honolulu, Hawaii, 96813. ph: 808-524-8833.
for Respondents Bobby Kau, and John Williamson.

Attorney Thomas Crowley, of Cades, Schutte, Fleming, and Wright
at: Suite 1200, of 1000 Bishop Street,
Honolulu, Hawaii, 96813. ph: 808-521-9200.
for Respondents Crowley, and Robert Hogan.

Ex-Federal Judge Walter Heen, Respondent for self;
at: Room 320-A, of 335 Merchant Street,
Honolulu, Hawaii, 96813 ph: 808-548-4343.

John Parks, Respondent for self;
at: 3716 Diamond Head Road,
Honolulu, Hawaii, 96816. ph: 808-732-5756.

Stephanie Kokernak, Respondent Pro Se;
at: P.O. Box 826, (1708 Nuuanu Ave.)
Honolulu, Hawaii, 96808. ph: none.

Attorney Benjamin Carroll, of McKenzie, Trecker, & Fritz.
at: Suite 710, of 820 Mililani Street,
Honolulu, Hawaii, 96813. ph: 808-528-3900.
for Respondent Dr. Kwong Yen Lum.

Attorney Molly Jo Campbell, of Char, Hamilton, Campbell & Thom.
at: Suite 2100, of 737 Bishop Street,
Honolulu, Hawaii, 96813. ph: 808-524-3824.
for Respondent Dr. Jarret Ko.

Judges: Richard Au, for self; (3rd Fl.) ph: 808-548-2440.
Edwin Honda, for self; (3rd Fl.) ph: 808-548-5705.
Philip Chun, for self; (4th Fl.) ph: 808-548-5441.
All Respondents at: Hawaii Circuit Court, 777 Punchbowl Street, Honolulu, Hawaii, 96813.

Hawaii Supreme Court Justices:
Associate James Wakatsuki for self; ph: 808-548-2440.
Substitutes;
Judges: Harry Tanaka for self; ph: 808-548-3406.
Leland Spencer for self; ph: 808-548-5438.
Ronald Moon for self; ph: 808-548-5750.
Robert Klein for self;* ph: 808-548-2173.
All Respondents at: c/o Hawaii Supreme Court, 417 S. King Street, Honolulu, Hawaii, 96813.

whereof all will be served appropriate copies of this Petition for Extraordinary Writ of Mandamus, as soon as possible.

/s/ (Mrs.) Janice Ching Yee

(Mrs.) Janice Ching Yee
Petitioner Pro se
at: 3169 Alika Avenue
Honolulu, Hawaii, 96817.

Subscribed to, and sworn to, before me,
this 10th day of August, 1987.
/s/ Robert G. Speed

Notary Public, First Judicial
Circuit, State of Hawaii.

My commission expires: Mar. 9, 1990

*exonerable.

APPENDICES

Mrs. Janice Ching Yee
3169 Alika Avenue
Honolulu, Hawaii 96817
ph: 808-595-3426

FILED
JUL 20 1987
CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JANICE CHING YEE, Petitioner (Appellant) Pro Se, v. HAROLD SHINTAKU; BETTY VITOUSEK; KWONG YEN LUM; JOHN PARKS; NORITO KAWAKAMI; EDWARD Y.C. CHUN; ROBERT HOGAN; DR. BETTY ADAMS; GERRY NAGAHISA; JAMES KOSHIBA; HAWAII STATE BAR ASSOCIATION members involved; JUNG LOWE; STEPHANIE KOKERNAK; ALFRED A. YEE, AND ALFRED A. YEE & ASSOCIATES, INC.; WILLIAM RICHARDSON; BERT KOBAYASHI; BENJAMIN MENOR; ROBERT W.B. CHANG; and exempt, deceased THOMAS OGATA; ARTHUR FONG; JAMES BURNS; BARRY RUBIN; EX-GOV. GEORGE ARIYOSHI; DAN HEELY; JUDICIAL QUALIFICATIONS COMMISSION members of 1979: ROBERT STEVENSON, CLIFFORD MELIM, REV. CHARLES CRANE, and exempts, both deceased, WILSON CANNON and MITSUYUKI KIDO; DONALD TSUKIYAMA; THE SUPREME COURT OF THE UNITED STATES, JUSTICES:* EX-CHIEF WARREN BURGER, CHIEF WILLIAM REHNQUIST, BY RON WHITE, THURGOOD MARSHALL, LEWIS POWELL, HARRY BLACKMUN, WILLIAM BRENNAN,	) CIVIL NO. 86-8192) NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES FROM FINAL ORDER, AND ORDERS OF THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT) DESIGNATION OF RECORD ON APPEAL) AFFIDAVIT OF PETITIONER PRO SE JANICE CHING YEE) CERTIFICATE OF SERVICE

*please consider exoneration, and sit with impartiality for review/determination of this case, on merits of Petitioner Pro Se.

APPENDIX A

JOHN PAUL STEVENS, AND SAN-)
DRA O'CONNOR; WALTER HEEN;)
RICHARD LEE; UNITED STATES)
COURT OF APPEALS (9th CIRCUIT))
JUDGES: ALFRED GOODWIN, OTTO)
SKOPIL, HARRY PREGERSON, and)
WARREN FERGUSON; BOBBY KAU,)
JOHN WILLIAMSON, AND JOHN)
HANCOCK MUTUAL LIFE INS. CO.;)
GUNZI IZUMOTO; JARRET KO;)
HAWAII SUPREME COURT JUS)
TICES: EDWARD NAKAMURA and)
JAMES WAKATSUKI, AND SUBSTI-)
TUTE JUSTICES: JUDGES: HARRY)
TANAKA, ROBERT KLEIN*, RON-)
ALD MOON, AND LELAND SPENC-)
ER; UNITED STATES DISTRICT AT-)
TORNEYS DANIEL BENT and)
FRANK WILSON; HAWAII CIRCUIT)
COURT JUDGES: RICHARD AU, ED-)
WIN HONDA, and PHILIP CHUN;)
THOMAS CROWLEY; WARREN)
PRICE III, and WILLIAM McCORRIS-)
TON; M. TYLER POTTENGER; AND)
exempts, deceased ROBERT FRANK-)
LIN and HAROLD NICKELSEN;)
Respondents (Appellees).+)
_____)

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES FROM FINAL ORDER, AND ORDERS, OF THE UNITED STATES COURT OF APPEAL FOR THE NINTH CIRCUIT.

NOTICE OF APPEAL IS HEREBY GIVEN that Janice Ching Yee, Petitioner (Appellant) Pro Se, APPEALS to the Supreme Court of the United States; from the Final Order:

1. filed July 2, 1987, in the U.S. Court of Appeals for the Ninth Circuit; and its Orders:

2. filed December 17, 1986; and

3. filed November 4, 1986.

*possible exoneration.
+corrected list.

Petitioner's APPEAL to the U.S. Court of Appeals, was for "PERMISSION TO APPEAL" (and) against undue restraint by the lower U.S. District Court of Hawaii's Order:

4. filed September 16, 1986.

The JURISDICTION of this NOTICE OF APPEAL arises, according to *TITLE 28, Chap 133, Sections 2107, 2101(a or c),* and per *Section 2106* with prayers for determination with review, on all merits of Petitioner Janice Ching Yee's case.

/s/ (Mrs.) Janice Ching Yee

(Mrs.) Janice Ching Yee
Petitioner (Appellant) Pro Se
at: 3169 Alika Ave.
Hon. Hi. 96817.

Dated July 20, 1987.

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JANICE CHING YEE,	) CIVIL NO.
	) 86-8192
Petitioner (Appellant) Pro Se,	)
	) USDC(Hi) NO.
v.	) 81-0148
HAROLD SHINTAKU; BETTY VITOUSEK; KWONG YEN LUM; JOHN PARKS; ET AL+	) DESIGNATION) OF RECORD) ON APPEAL
Respondents (Appellees)+.	)

DESIGNATION OF RECORD ON APPEAL

Petitioner (Appellant) Pro Se Janice Ching Yee, hereof designates as the RECORD ON APPEAL, all of the Court Records for case USCA(9th)#86-8192, including all of the Court Records of its original pleas in the U.S. District Court of Hawaii, for case USDC(Hi)#81-0148.

There were no transcripts because all Court "Orders" were filed, without privilege/equal protection Rights of Hearing and/or Trial by Jury, demanded.

/s/ (Mrs.) Janice Ching Yee

(Mrs.) Janice Ching Yee
Petitioner (Appellant) Pro Se
at: 3169 Alika Avenue
Honolulu, Hawaii 96817

Dated, this July 20, 1987.

+as listed on coversheet.

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JANICE CHING YEE, Petitioner (Appellant) Pro Se, v. HAROLD SHINTAKU; BETTY VITOUSEK; KWONG YEN LUM; JOHN PARKS; ET AL+; Respondents (Appellees).	) CIVIL NO.) 86-8192)) AFFIDAVIT) OF PETI-) TIONER PRO) SE JANICE) CHING YEE

AFFIDAVIT OF PETITIONER PRO SE JANICE CHING YEE

AFFIANT, as Petitioner Pro Se Janice Ching Yee, of present address, 3169 Alika Avenue, Honolulu, Hawaii, 96817; is the person who executed the foregoing instrument.

I do solemnly swear that Petitioner's pleas have merit, for Petitioner's good intent not to perjury, frivolity, or delay.

I have read the same and know the contents thereof, and I swear that I shall conduct myself with uprightness, to support and uphold the *CONSTITUTION OF THE UNITED STATES OF AMERICA*.

The matters stated therein, are true to my knowledge, except such matters as are stated to be upon information and belief, and as to those matters; I believe them to be true.

/s/ (Mrs.) Janice Ching Yee

(Mrs.) Janice Ching Yee
Affiant, Petitioner (Appellant)
Pro Se

Subscribed to, and sworn to before me,
this 17th day of July, 1987.
/s/ Janice M. Hirata
Notary Public, State of Hawaii.
My commission expires: 6-20-89

+as listed on coversheet.

CERTIFICATE OF SERVICE

I hereby certify that a copy of Petitioner's NOTICE OF APPEAL and DESIGNATION OF RECORD ON APPEAL, will be served on all parties or their Counsels; by hand, or certified or regular mail delivery, addressed to:

Hawaii Attorney General, and Deputies
at: Hawaii State Capitol, 415 South Beretania Street
Honolulu, Hawaii, 96813. ph: 808-548-4740.
for Respondents related to Hawaii State Government involved+.

Hon. U.S. Solicitor General, and
Hon. U.S. Attorney General,
both at: U.S. Department of Justice; Washington, D.C. 20530.
for *28 USC#2403(a)* may apply. ph: 202-633-2000.
for Respondents related to the U.S. Government involved, including U.S. Supreme Court involved members.

Hawaii U.S. District Attorney, Deputy Michael Chun, for/and Hawaii U.S. District Attorneys Daniel Bent and Frank Wilson;
at: Room 242, U.S. Courthouse, 300 Ala Moana Boulevard,
Honolulu, Hawaii, 96813. ph: 808-546-7170.
for Respondents Bent, Wilson; Pence, King, Fong of USDC(Hi), AND any other Hawaii Respondent related to U.S. Government.+

Edward Y.C. Chun, of Chun, Kerr, and Dodd;
at: Suite 1408, of 700 Bishop Street,
Honolulu, Hawaii, 96813. ph: 808-531-6575.
for Respondents Alfred A. Yee, & Alfred A. Yee & Associates, Inc.

William McCorriston, and Alan Burdick, of Goodsill, ET AL;
at: Suite 1600, of 130 Merchant Street,
Honolulu, Hawaii, 96813. ph: 808-547-5600.
for Respondents McCorriston, Warren Price III, Edward Chun, and John Hancock Mutual Life Insurance Company.

David Fairbanks, of Cronin, Fried, Sekiya, Kekina, and Fairbanks;
at: Suite 1900, of 841 Bishop Street,
Honolulu, Hawaii, 96813. ph. 808-524-1433.
for Respondent James Koshiba, and Hawaii State Bar Assn.

involved.

Charles Witherwax and M. Tyler Pottenger, of A Law Corporation
at: Suite 1420, of 841 Bishop Street,
Honolulu, Hawaii, 96813 ph: 808-524-8833.
for Respondents Bobby Kau, and John Williamson.

Thomas Crowley, of Cades, Schutte, Fleming, and Wright;
at: Suite 1200, of 1000 Bishop Street,
Honolulu, Hawaii, 96813. ph: 808-521-9200.
for Respondents Crowley, and Robert Hogan.

John Parks, Respondent for self;
at: 3716 Diamond Head Road,
Honolulu, Hawaii, 96816. ph: 808-732-5756.

Stephanie Kokernak, Respondent Pro Se;
at: P.O. Box 836, (1708 Nuuanu Ave.)
Honolulu, Hawaii, 96808. ph: none.

Benjamin Carroll, of McKenzie, Trecker, & Fritz;
at: Suite 710, of 820 Mililani Street,
Honolulu, Hawaii, 96813. ph: 808-528-3900.
for Respondent Dr. Kwong Yen Lum.

Molly Jo Campbell, of Char, Hamilton, Campbell, & Thom.
at: Suite 2100, of 737 Bishop Street,
Honolulu, Hawaii, 96813. ph: 808-524-3824.
for Respondent Dr. Jarret Ko.

Judges: Richard Au, for self; ph: 808-548-2440.
Edwin Honda, for self; ph: 808-548-5705.
Philip Chun, for self; ph: 808-548-5441.
All Respondents at: Hawaii Circuit Court, Fourth Floor, 777 Punchbowl Street, Honolulu, Hawaii, 96813.
*Hereafter, all will be served through Hawaii Attorney General's office.

Justices:
Associate James Wakatsuki for self; ph: 808-548-8473.
Sub.; Judges: Harry Tanaka for self; ph: 808-548-3406.
Leland Spencer for self; ph: 808-548-5438.
Ronald Moon for self; ph: 808-548-5750.
Robert Klein for self;** ph: 808-548-2173.
All Respondents at: c/o Hawaii Supreme Court,

417 S. King Street, Honolulu, Hawaii, 96813.
*Hereafter, all will be served through Hawaii Attorney General's office.

Ex-Federal Judge Walter Heen, Respondent for self;
at: Room 320-A of 335 Merchant Street,
Honolulu, Hawaii, 96813.

U.S. Court of Appeals (9th Circuit) Judges: Respondents for selves;
Alfred Goodwin, Otto Skopil, Harry Pregerson, and Warren Ferguson. ph: 415-556-6120.
at: c/o Seventh & Mission Streets, San Francisco, Calif. 94101.
*Hereafter, all will be served through U.S. Attorney General's office.

and all delivered for this day of July 20, 1987.

/s/ (Mrs.) Janice Ching Yee,

(Mrs.) Janice Ching Yee,
Petitioner Pro Se
at: 3169 Alika Avenue,
Honolulu, Hawaii 96817.
ph: 808-595-3426.

Mrs. Janice Ching Yee
3169 Alika Avenue
Honolulu, Hawaii 96817
ph: 808-595-3426

FILED
JUL 31 1987
CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JANICE CHING YEE,	) CIVIL NO.
	) 86-8192
Petitioner (Appellant) Pro Se,	)
	) AMENDMENT
v.	) OF APPEAL,
	) AND DESIG-
HAROLD SHINTAKU; BETTY	) NATION OF
VITOUSEK; KWONG YEN LUM;	) RECORD
JOHN PARKS; ET AL*; and	)
CONTRIBUTORY RESPONDENTS,	) AFFIDAVIT OF
SAMUEL KING+, MARTIN PENCE.	) PETITIONER
AND HAROLD FONG+, and U.S.	) PRO SE,
DISTRICT COURT members involved,	) AND/FOR
of HAWAII;	) PROOF OF
Respondents.	) SERVICE

AMENDMENT OF NOTICE OF APPEAL, AND DESIGNATION OF RECORD

Comes now, Petitioner Pro Se Janice Ching Yee, with this AMENDMENT OF NOTICE OF APPEAL, AND DESIGNATION OF RECORD, to include inadvertantly omitted Judges SAMUEL KING, MARTIN PENCE, and HAROLD FONG, of/and UNITED STATES DISTRICT COURT OF HAWAII members involved.

The JURISDICTION of this Court arises from action, per *U.S. CONSTITUTION, ART. 4,* and *FEDERAL RULES OF CIVIL PROCEDURE, RULES: 15, 18, 19(a), and 42(a);* all for good reason/pertinence.

/s/ (Mrs.) Janice Ching Yee

(Mrs.) Janice Ching Yee
Petitioner (Appellant) Pro Se
at: 3169 Alika Avenue
Honolulu, Hawaii 96817

Dated, this 28th day of July, 1987.

*as listed on original NOTICE OF APPEAL.
+Judges of the U.S. District Court of Hawaii.

APPENDIX B

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JANICE CHING YEE, Petitioner (Appellant) Pro Se, v. HAROLD SHINTAKU; BETTY VITOUSEK; SAMUEL KING, MAR TIN PENCE, AND HAROLD FONG, and U.S. DISTRICT COURT members involved, of HAWAII; ET AL;* Respondents.	) CIVIL NO. 86-8192)) AFFIDAVIT OF PETITIONER PRO SE, AND/FOR PROOF OF SERVICE

AFFIDAVIT OF PETITIONER PRO SE, AND/FOR PROOF OF SERVICE

STATE OF HAWAII)
)
CITY AND COUNTY OF HONOLULU)

Janice Ching Yee, being duly sworn, deposes and says that this Affiant's original NOTICE OF APPEAL's AFFIDAVIT is pertinent for application here too.

Also, after being duly sworn, Affiant deposes and says that pursuant to *RULE 10 of the RULES OF THE SUPREME COURT OF THE UNITED STATES*, all parties required to be served will be served, by hand delivery, or by regular mail, or certified mail delivery, addressed to:

Hawaii Attorney General, and Deputies
at: Hawaii State Capitol, 415 South Beretania Street
Honolulu, Hawaii, 96813. ph: 808-548-4740.
for Respondents related to Hawaii State Government involved+.

Hon. U.S. Solicitor General, and
Hon. U.S. Attorney General,
both at: U.S. Department of Justice; Washington, D.C. 20530.
for *28 USC#2403(a)* may apply. ph: 202-633-2000.
for Respondents related to U.S. Government involved, including++ Named Respondents of the U.S. Supreme Court involved.

*as listed on original NOTICE OF APPEAL.
+including Judiciary noted on page 2.
++and Judges Goodwin, Scopil, Pregerson, Ferguson, of USCA(9).

John Parks, Respondent for self;
at: 3716 Diamond Head Road,
Honolulu, Hawaii, 96816. ph: 808-732-5756.

Hawaii U.S. District Attorney, Deputy Michael Chun, for/and Hawaii U.S. District Attorneys Daniel Bent and Frank Wilson;
at: Room 242, U.S. Courthouse, 300 Ala Moana Boulevard,
Honolulu, Hawaii, 96813. ph: 808-546-7170.
for Respondents related to U.S. Government in Hawaii. (King, etc.)

Edward Y.C. Chun, of Chun, Kerr, and Dodd;
at: Suite 1408, of 700 Bishop Street,
Honolulu, Hawaii, 96813. ph: 808-531-6575.
for Respondents Alfred A. Yee, & Alfred A. Yee & Associates, Inc.

William McCorriston, and Alan Burdick, of Goodsill, ET AL;
at: Suite 1600, of 130 Merchant Street,
Honolulu, Hawaii, 96813. ph: 808-547-5600.
for Respondents McCorriston, Price III, Chun, and John Hancock Ins.

David Fairbanks, of Cronin, Fried, Sekiya, Kekina, and Fairbanks;
at: Suite 1900, of 841 Bishop Street,
Honolulu, Hawaii, 96813. ph. 808-524-1433.
for Respondent James Koshiba, and Hawaii State Bar Assn. involved.

Charles Witherwax and M. Tyler Pottenger, of A Law Corp.
at: Suite 1420, of 841 Bishop Street,
Honolulu, Hawaii, 96813 ph: 808-524-8833.
for Respondents Bobby Kau, and John Williamson.

Thomas Crowley, of Cades, Schutte, Fleming, and Wright;
at: Suite 1200, of 1000 Bishop Street,
Honolulu, Hawaii, 96813. ph: 808-521-9200.
for Respondents Crowley, and Robert Hogan.

Stephanie Kokernak, Respondent Pro Se;
at: P.O. Box 836, (1708 Nuuanu Ave.)
Honolulu, Hawaii, 96808. ph: none.

Benjamin Carroll, of McKenzie, Trecker, & Fritz;
at: Suite 710, of 820 Mililani Street,
Honolulu, Hawaii, 96813. ph: 808-528-3900.
for Respondent Dr. Kwong Yen Lum.

Molly Jo Campbell, of Char, Hamilton, Campbell, & Thom;
at: Suite 2100, of 737 Bishop Street,
Honolulu, Hawaii, 96813. ph: 808-524-3824.
for Respondent Dr. Jarret Ko.

Respondents Judiciary: Au, Honda, Chun, Wakatsuki, Tanaka, Moon, Spencer, and Klein**; served by/to Hawaii Attorney General.

Ex-Federal Judge Walter Heen, Respondent for self;
at: Room 320-A, of 335 Merchant Street,
Honolulu, Hawaii 96813. ph: 808-54804343.

All will be served copies of this AMENDMENT OF NOTICE OF APPEAL, etc.

/s/ (Mrs.) Janice Ching Yee,

(Mrs.) Janice Ching Yee,
Petitioner (Appellant) Pro Se
at: 3169 Alika Avenue
Honolulu, Hawaii 96817

Subscribed and sworn to, before me,
this 28th day of July, 1987.
/s/ Amy R. Arasaki
Notary Public,
State of Hawaii
My commission expires: August 21, 1986.

**exonerable.

Mrs. Janice Ching Yee
3169 Alika Avenue
Honolulu, Hawaii 96817
ph: 808-595-3426
PLAINTIFF PRO SE

+

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JANICE CHING YEE, Plaintiff Pro Se, v.	) CIVIL NO. 81-0148
*HAROLD SHINTAKU; BETTY VItousek; Kwong Yen Lum; John Parks; Norito Kawakami; Edward Y.C. Chun; Robert Hogan; Dr. Betty Adams; Gerry Nagahisa; James Koshiba; Hawaii State Bar Association members involved; Jung Lowe, Stephanie Kokernak; Alfred A. Yee, and Alfred A. Yee & Associates, Inc.; William Richardson; Bert Kobayashi; Robert W.B. Chang; Benjamin Menor; and exempt, deceased Thomas Ogata; Arthur Fong; James Burns; Barry Rubins Gov. George Ariyoshi; Dan Heely; Judicial Qualifications Commission members of 1979: Robert Stevenson, Rev. Charles Crane, Clifford Melim, and exempt, deceased, Wilson Cannon and Mitsuyuki Kido; Donald Tsukiyama; U.S. Supreme Court Justices: Chief Warren Burger, Lewis Powell, William Rehnquist, Thurgood Marshall, William Brennan, John Paul Stevens, and Sandra O'Connor; Walter Heen; Richard Lee; U.S. Court of Appeals (9th Circuit) Judges: Alfred Goodwin, Otto Skopil, Harry Pregerson, and Warren Ferguson; Bobby Kau, John Williamson, and John Hancock Mutual Life Insurance Co.; Gunji Izumoto; Jarret Ko; Hawaii Supreme Court Justices: Edward Nakamura and	) NOTICE OF APPEAL) DESIGNATION OF RECORD ON APPEAL) CERTIFICATE OF SERVICE

*relisted for simpler comprehension.
+denied filing in USC(Hi).

APPENDIX C

James Wakatsuki, and Substitute Justices,)
Judges: Robert Klein, Harry Tanaka,)
Ronald Moon, and Leland Spencer; U.S.)
District Attorneys Daniel Bent and Frank)
Wilson; Thomas Crowley; William Mc-)
Corriston; Warren Price III; M. Tyler)
Pottenger; and exempt, deceased Harold)
Nickelsen and Robert Franklin;)
Defendants*)

*relisted for simpler consideration.

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Janice Ching Yee, Plaintiff Pro Se, APPEALS to the UNITED STATES COURT OF APPEALS for the 9th CIRCUIT, from the latest Order of perpetrated "false arrest" restraint, prejudiced obstruction entered in this action; on the 16th day of September, 1986; wherefore the United States District Court of Hawaii thereafter, deproved Plaintiff Pro Se as good Americanborn taxpayer from further entrance to the United States District Court of Hawaii building RE: filings of any pleadings, including proper OBJECTION, and/or service of copy of OBJECTION to U.S. District Attorney Deputy Chun, on September 19, 1986.**

No oral Hearings were given, or trial held yet, for this case, with probable cause for redress, recovery, and/as relief.

Dated this 22nd day of September, 1986.

/s/ (Mrs.) Janice Ching Yee

(Mrs.) Janice Ching Yee
Plaintiff Pro Se
at: 3169 Alika Avenue
Honolulu, Hawaii 96817
ph: 808-595-3426

*relisted for simpler consideration.

**guard Leighton Anderson per instructions from his "boss" Jack Montgomery.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JANICE CHING YEE,	) CIVIL NO.
Plaintiff Pro Se,	) 81-0148
v.	)
HAROLD SHINTAKU; BETTY	) DESIGNATION
VITOUSEK; ET AL;+	) OF RECORD
Defendants.	) ON APPEAL

DESIGNATION OF RECORD ON APPEAL

Plaintiff Pro Se Janice Ching Yee, hereby designates as the RECORD ON APPEAL:

1. certified August 11, 1986 "RECEIVED" matter pertaining to recent

> "MOTION FOR RELIEF FROM JUDGMENT, PER *FRCP***, *RULE 60(b)(6), U.S. CONSTITUTION, ART. 4,* and *HRS** *CHAP. 657-20;* AND MOTION TO REOPEN CASE CIV. NO. 81-0148, FOR AMENDMENT OF COMPLAINT....."

2. letters to members of the Court: Judges Fong, Pence, and King.

3. all previous Court Records for this case #81-0148; for proof of injury of substantive rights of Plaintiff Pro Se.

Plaintiff demands that all of this be designated, and sent to the U.S. Court of Appeals for the 9th Circuit, per *FED. RULES OF APPELLATE PROCEDURE, RULE 3(d).*

Dated, this 22nd day of September, 1986.

/s/ (Mrs.) Janice Ching Yee

(Mrs.) Janice Ching Yee, Plaintiff Pro Se
at: 3169 Alika Avenue
Honolulu, Hawaii 96817

+as entitled on cover.
*relisted for simpler consideration.
**guard Leighton Anderson per instructions from his boss Jack Montgomery.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JANICE CHING YEE,	) CIVIL NO.
Plaintiff Pro Se,	) 81-0148
v.	)
HAROLD SHINTAKU; BETTY	) AFFIDAVIT
VITOUSEK; ET AL;+	) OF JANICE
Defendants+.	) CHING YEE

AFFIDAVIT OF JANICE CHING YEE

AFFIANT, as Plaintiff Pro Se Janice Ching Yee, of the present address: 3169 Alika Avenue, Honolulu, Hawaii; is the person who executed the foregoing instrument.

I do solemnly swear that I shall conduct myself with uprightness, and according to LAW, and I shall support and uphold the CONSTITUTION OF THE UNITED STATES OF AMERICA.

I have read the same and know the contents thereof, where same individual Janice Ching Yee, with good intent, never intends perjury, frivolity, and delay.

The matter stated therein, are true to my knowledge, except such matters as are stated to be upon information and belief, and as to those matters; I believe them to be true.

/s/ (Mrs.) Janice Ching Yee

(Mrs.) Janice Ching Yee
Affiant, Plaintiff Pro Se
at: 3169 Alika Avenue
Honolulu, Hawaii 96817

Subscribed to, and sworn to before me,
this 22nd day of September, 1986.

/s/ Regis E. Taylor
Notary Public, State of Hawaii
My commission expires: 11/13/88

+as entitled on cover

CERTIFICATE OF SERVICE

I hereby certify that this NOTICE OF APPEAL, and its DESIGNATION OF RECORD ON APPEAL, should be filed, and the Clerk of the United States District Court for Hawaii, should deliver copies to each Attorney or/for Defendant on Record, according to *FEDERAL RULES OF APPELLATE PROCEDURE, RULE 3(d)* for this service to:

Hawaii Attorney General Corrinne Watanabe, and Deputies
at: Hawaii State Capitol, 415 South Beretania Street
Honolulu, Hawaii, 96813. ph: 808-548-4740.
for Defendants related to Hawaii State Government.

Hon. U.S. Solicitor General Rex E. Lee and
Hon. U.S. Attorney General Edwin Meese;
both at: U.S. Department of Justice; Washington, D.C. 20530.
for *28 USC#2403(a)* may apply. ph: 202-633-2000.
for Defendants related to United States Government.

Hawaii U.S. District Attorney Deputy Michael Chun,
for/and Hawaii U.S. District Attorneys Daniel Bent and Frank Wilson.
at: Room 242, U.S. Courthouse, 300 Ala Moana Boulevard,
Honolulu, Hawaii, 96813. ph: 808-546-7170.
for Defendants Daniel Bent, Frank Wilson, and U.S. Government.

Edward Y.C. Chun, of Chun, Kerr, and Dodd;
at: Suite 1408, of 700 Bishop Street,
Honolulu, Hawaii, 96813. ph: 808-531-6575.
for Defendants Alfred A. Yee, & Alfred A. Yee & Associates, Inc.

William McCorriston and Warren Price III, of Goodsill, ET AL
at: Suite 1600, of 130 Merchant Street,
Honolulu, Hawaii, 96813. ph: 808-547-5600.
for Defendants McCorriston, Price, Edward Chun, and John Hancock Mutual Life Insurance Company.

David Fairbanks, of Cronin, Fried, Sekiya, Kekina, and Fairbanks.
at: Suite 1900, of 841 Bishop Street,
Honolulu, Hawaii, 96813. ph. 808-524-1433.
for Defendants James Koshiba, & Hawaii State Bar Assn. members.

Charles Witherwax and M. Tyler Pottenger, of A Law Corporation
at: Suite 1420, of 841 Bishop Street,
Honolulu, Hawaii, 96813 ph: 808-524-8833.
for Defendants Bobby Kau, and John Williamson.

Thomas Crowley, of Cades, Schutte, Fleming, and Wright;
at: Suite 1200, of 1000 Bishop Street,
Honolulu, Hawaii, 96813. ph: 808-521-9200.
for Defendants Crowley, and Robert Hogan.

John Parks, Defendant for self;
at: 3716 Diamond Head Road;
Honolulu, Hawaii, 96816. ph: 808-732-5756.

Stephanie Kokernak, Defendant Pro Se;
at: 1708 Nuuanu Ave.
Honolulu, Hawaii, 96817. ph: none.

Benjamin Carroll, of McKenzie, Trecker, & Fritz.
at: Suite 710, of 820 Mililani Street,
Honolulu, Hawaii, 96813. ph: 808-528-3900.
for Defendant Dr. Kwong Yen Lum.

Molly Jo Campbell, of Char, Hamilton, Campbell, and Thom.
at: Suite 2100, of 737 Bishop Street,
Honolulu, Hawaii, 96813. ph: 808-524-3824.
for Defendant Dr. Jarret Ko.

Judges: Richard Au, for self; ph: 808-548-2440.
Edwin Honda, for self; ph: 808-548-5705.
Philip Chun, for self; ph: 808-548-5441.
each at: Hawaii Circuit Court, Fourth Floor;
777 Punchbowl Street, Honolulu, Hawaii, 96813.

Justices:
Associate James Wakatsuki for self; ph: 808-548-8473.
Subs. Justices, Judges:
Harry Tanaka for self; ph: 808-548-3406.
Leland Spencer for self; ph: 808-548-5438.
Ronald Moon for self; ph: 808-548-5750.
Robert Klein for self; ph: 808-548-2173.
each c/o Hawaii Supreme Court,
417 S. King St. Hon. Hi. 96813.

Ex-Fed. Judge Walter Heen, for self; ph: 808-548-4343.
at: Third Floor, 335 Merchant Street, Hon. Hi. 96813.

U.S. Court of Appeals for the 9th Circuit, Judges for selves: Alfred Goodwin, Otto Skopil, Harry Pregerson, and Warren Ferguson.
at: c/o Box 547,
San Francisco, Calif. 94101. ph.: 415-556-6120.

United States Supreme Court; at: 1 First Street, N.E., Washington, D.C., 20543. ph: 202-253-3000.
for Chief Justice Warren Burger, and Associate Justices: William Rehnquist, Sandra O'Connor, William Brennan, Thurgood Marshall, Harry Blackmun, Lewis Powell, John Paul Stevens, and Byron White.

for this 22nd day of September, 1986.

/s/ (Mrs.) Janice Ching Yee,

(Mrs.) Janice Ching Yee,
Plaintiff Pro Se
at: 3169 Alika Avenue,
Honolulu, Hawaii 96817.
ph: 808-595-3426.

FILED

JUL 2 1987

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JANICE CHING YEE,	) No. 86-8192
	)
Petitioner,	) DC#
	) CV-81-0148-HMF
vs.	) Hawaii
	)
HAROLD SHINTAKU et al.,	) ORDER
	)
Respondents.	)
	)
	)

Before: HUG, POOLE, and NORRIS, Circuit Judges

Petitioner's motion for a stay pending disposition of her earlier motions to appeal and for reconsideration is denied.

Petitioner's supplemental memorandum of law is construed as a motion for reconsideration of the court's orders denying her earlier motions and is denied. The Clerk is instructed not to accept any further motions, petitions, or papers from petitioner for filing in this case.

MoCal 10/20/86

APPENDIX 1

DEC 17 1986

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

DOCKETED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JANICE CHING YEE,	) No. 86-8192
	)
Plaintiff-Petitioner,	) DC#
	) CV-81-0148-HMF
vs.	) Hawaii
	)
HAROLD SHINTAKU; et al.,	) ORDER
	)
Defendants-Respondents.	)
	)
	)

Before: HUG, POOLE and NORRIS, Circuit Judges

Plaintiff's petition for rehearing is denied.

As we promised, enclosed please find a copy of the court's order dated 12/17/86 denying Petition for Rehearing.

(from the clerks)

Received 6/1/87 by JCY

MoCal 10/20/86

FILED

NOV 4 1986

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JANICE CHING YEE,	)	No. 86-8192
	)	
Petitioner-Petitioner,	)	DC#
	)	CV-81-0148-HMF
vs.	)	Hawaii
	)	
HAROLD SHINTAKU; et al.,	)	ORDER
	)	
Defendants-Respondents.	)	
	)	
	)	

Before: HUG, POOLE and NORRIS, Circuit Judges

Plaintiff's petition for permission to appeal is construed as a petition for writ of mandamus and is denied. Although a district court should not prevent the filing of a notice of appeal, plaintiff is not entitled to any substantive relief.

MoCal 10/20/86

APPENDIX 3

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

SEP 16 1986

AT 12 o'clock and min. M.
WALTER A.Y.H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

In the Matter of
JANICE CHING YEE.

ORDER

This court having received by way of delivery to its chambers a letter request from Janice Ching Yee directed to this judge asking that this court "sign APPROVAL of FILING of . . . recent MOTION(S) 'RECEIVED' by this Court, on August 11, 1986," and being fully apprised of the premises, determines as follows:

1. There is presently a standing order of the District of Hawaii by Senior Judge Martin Pence precluding the filing by said Janice Ching Yee of any motions before the courts of this District;

2. This court has previously advised Janice Ching Yee that nothing has been presented which would entail the need of this court to set aside Judge Pence's standing order;

3. There is nothing before this court by way of this recent documentation that would compel this court to reconsider its earlier position of not setting aside Judge Pence's order; and

4. Because this judge has been sued on this related matter, it is in the best interests of all parties to avoid even the appearance of impropriety that this judge recuse himself from any consideration of any filings by Janice Ching Yee which relate to her ability to file matters in the United States District Court for the District of Hawaii while the order of Judge Pence remains in full force and effect. Because of intradistrict comity, further relief from the order of Judge Pence should be addressed only to Judge Pence. Accordingly, all matters submitted by Janice Ching Yee on the morning of September 1, 1986 shall be returned to said Janice Ching Yee at 3169 Alika Avenue, Honolulu, Hawaii 96817, for such other action as she may deem appropriate.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, September 16, 1986.

/s/ Harold M. Fong
UNITED STATES DISTRICT JUDGE

APPENDIX 4

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JUN 24 1982

AT 2 o'clock and 12 min. P.M.
WALTER A.Y.H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JANICE CHING YEE, Plaintiff vs. HAROLD SHINTAKU, JUDGE, et al. Defendants, and, by JOINDER, as contributory defendants: BETTY VITOUSEK, JUDGE, et al.+; DR. KWONG YEN LUM, PSYCHIATRIST; JOHN PARKS, ATTORNEY; NORITO KAWAKAMI, (retired) JUDGE, et al.++; EDWARD Y.C. CHUN, et al., ATTORNEYS; ROBERT G. HOGAN, ATTORNEY; DR. BETTY ADAMS, COURT PSYCHIATRIST, and GERRY NAGAHISA, SOCIAL WORKER, et al.+; HAROLD NICKELSEN, ATTORNEY; JAMES KOSHIBA, EX-CHAIRMAN OF ETHICS COMMISSION OF HAWAII BAR ASSOCIATION, and HAWAII STATE BAR ASSOCIATION; JUNG LOWE, EX-DISCIPLINARY COUNSEL, and/or HAWAII SUPREME COURT, et al.+++; ROBERT A. FRANKLIN ESTATE‡ (deceased April 1982); STEPHANIE KOKERNAK; ALFRED A. YEE, and ALFRED A. YEE & ASSOCIATES, INC.; WM. RICHARDSON, HAWAII CHIEF	) CIVIL #81-0148)) ORDER) DENYING) MOTIONS) AND FORBID-) DING) ACCEPTANCE) OF FURTHER) PLEADING

+Hawaii Family Court+++
++Hawaii Circuit Court+++
+++Hawaii State Government.

APPENDIX 5

JUSTICE; BERT KOBAYASHI (retired)‡, THOMAS OGATA, JUSTICES; and ROBERT W.B. CHANG, Subst. JUSTICE, all, and/or HAWAII SUPREME COURT, et al.+; GEORGE ARIYOSHI, GOVERNOR, et al.+++; BARRY RUBIN, EX-JUDGE, et al.+; DAN HEELY, EX-DISCIPLINARY COUNSEL (from Nov. 1981)*, and/or HAWAII SUPREME COURT, et al.+++; JUDICIAL QUALIFICATIONS COMMISSION: ROBERT STEVENSON, MITSUYUKI KIDO, REV. CHARLES CRANE, CLIFFORD MELIM (and exempt, deceased WILSON CANNON), et al.+++; DONALD TSUKIYAMA, JUDGE, et al.+; SUPREME COURT OF THE U.S.‡: CHIEF JUSTICE WARREN BURGER, and JUSTICES: WM. REHNQUIST, THURGOOD MARSHALL, LEWIS POWELL, HARRY BLACKMUN, BYRON WHITE, WM. BRENNAN, JOHN PAUL STEVENS, and SANDRA O'CONNOR, and/or the SUPREME COURT OF THE U.S.; WALTER HEEN‡, EX-U.S. DISTRICT ATTORNEY and JUDGE, and/or HAWAII SUPREME COURT, et al.+++; RICHARD LEE, JUDGE, et al.+; and U.S.C.A.* (9th) JUDGES:‡ ALFRED GOODWIN, OTTO SKOFIL, HARRY PREGERSON, and WARREN FERGUSON, and/or the U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT.

Defendants.

+Hawaii Family Court+++
++Hawaii Circuit Court+++
+++Hawaii State Government.
‡correction/update/new CONTRIBUTORY DEFENDANTS per FRCP**RULE 60(b)
**FEDERAL RULES OF CIVIL PROCEDURE.

ORDER DENYING MOTIONS AND *FORBIDDING ACCEPTANCE OF FURTHER PLEADINGS*

On June 16, 1981, Judge Walter M. Heen issued an Order in the above-captioned case directing the Clerk of this court "not to accept any further motions or pleadings from plaintiff in this matter." The record shows that on June 5, 1981, Judge Heen, taking note of "plaintiff's lengthy history of litigation in the state courts of Hawaii and, in particular, the various orders of the Supreme Court, the Family Court, and the Circuit Court of the State of Hawaii, which have barred the court clerks from accepting any motions, pleadings, or appeals from the plaintiff regarding her divorce proceedings and any other litigation generated by the plaintiff which has arisen out of those divorce proceedings," and seeing that the plaintiff's complaint before him was litigation generated by the plaintiff arising out of those state divorce proceedings, found that the plaintiff's claims were "wholly insubstantial and frivolous, immaterial, and made solely for the purpose of obtaining jurisdiction in the federal courts." Judge Heen dismissed the complaint, with prejudice without further leave to amend.

Thereafter, plaintiff appealed Judge Heen's orders of June 5 and June 16, 1981 to the Court of Appeals for the Ninth Circuit, and on September 24, 1981 the Court of Appeals for the Ninth Circuit summarily affirmed Judge Heen. Nothing daunted, plaintiff petitioned the Court of Appeals for reconsideration of that order. On October 15, 1981, the Court of Appeals denied her petition for reconsideration of the September 24, 1981 affirmance order. Nevertheless, plaintiff again petitioned the appellate court for reconsideration of its October 15, 1981 order, and moved for reconsideration of her appeal. On November 27, 1981, the Court of Appeals denied plaintiff's petitions. Thereafter, on March 22, 1982, certiorari was denied by the United States Supreme Court.

In the face of the above, for reasons not set forth in his order, on May 14, 1982 Chief Judge Samuel P. King, "[w]ithout passing on the wisdom of Judge Heen's previous Order," nevertheless decided that in "the interests of justice" Judge Heen's Order, "to the extent permitting plaintiff to file her motion", was suspended, and the Clerk of the court was "directed to accept

for filing plaintiff's motions or other pleadings in this matter until further order of the Court." Thereafter, on May 14, 1982, plaintiff filed a 12-page "Motion For Relief From Judgment And Order; Motion For New Trial And Due Process For Case #81-0148 . . . Motion For Joinder (And Specifying) Of New Contributory Defendants . . . and Motion For Summary Judgment." With the Motion was attached a one-half-inch thick compilation of appendices and exhibits. On June 22, 1982, plaintiff filed an "Additional Exhibit of Proof of Service".

The facesheet on *this* Order lists every defendant against whom the plaintiff is making claims. It includes every person whom plaintiff believes has had *anything* to do with her complaints, both in the state and federal courts, since July 1973. In her present pleadings, she has added as additional and new defendants U.S. District Judge Heen, and Judges Goodwin, Skopil, Pregerson and Ferguson of the Court of Appeals for the Ninth Circuit, as well as Chief Justice Warren Burger and Justices Rehnquist, Marshall, Powell, Blackmun, White, Brennan, Stevens, and O'Connor of the United States Supreme Court.

After reviewing the instant Motions, this court can but agree with Judge Heen that all are "completely devoid of logical statements for relief". Therein, plaintiff has shown no reason in law or fact for granting the relief she requests. Plaintiff has shown no facts entitling her to any relief under Rule 59, F. R. Civ. P., nor have the Motions been filed within the ten days, as provided under Rule 59(b) and (c), F. R. Civ. P. Plaintiff has set forth nothing in her moving papers which entitles her to any relief under Rule 60(b), F. R. Civ. P.

Plaintiff's Motion for Joinder of "new contributory defendants," i.e., the federal justices and judges who have been involved in this case since May 4, 1981, sets forth no facts upon which this court could properly permit them to be joined under Rules 19 or 20, F. R. Civ. P. There are no uncontroverted facts set forth in the moving papers which, by any stretch of the imagination, would entitle the plaintiff to a judgment of any sort, least of all a summary judgment under Rule 56, F. R. Civ. P., against any of the named defendants.

In short, plaintiff's Motions should properly be characterized as an attempted abuse of judicial process.

Each and all of the plaintiff's Motions are DENIED, sua sponte, without hearing.

The Clerk of this Court is ORDERED to notify any named defendants upon whom plaintiff has attempted service that all of her motions have been denied, and it will not be necessary for any named defendant to make any Answer thereto.

IT IS FURTHER ORDERED that the Clerk of this Court is directed not to accept any further motions or pleadings of any sort from the plaintiff involving this Civl Action #81-0148, or any further pleadings or motions from the plaintiff regarding her prior divorce proceedings in the courts of the State of Hawaii, as well as any other litigation generated by the plaintiff which has arisen, or may arise, out of those prior divorce proceedings.

DATED: Honolulu, Hawaii, June 24, 1982.

/s/ Martin Pence
UNITED STATES
DISTRICT JUDGE

FILED IN THIS
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JUN 16 1981

at 1 o'clock and 45 min. P M.
WALTER A.Y.H. CHUNN, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JANICE CHING YEE, Plaintiff,	)	CIVIL NO. 81-0148
v.	)	ORDER DENYING MOTION FOR NEW TRIAL; DENYING MOTION FOR RECUSAL OF JUDGE; DENYING MOTION FOR SUMMARY JUDGMENT
HAROLD SHINTAKU, et al., Defendants.	)	

ORDER DENYING MOTION FOR NEW TRIAL; DENYING MOTION FOR RECUSAL OF JUDGE; DENYING MOTION FOR SUMMARY JUDGMENT

On June 5, 1981, this Court's Order Dismissing Plaintiff's Complaint With Prejudice was filed. On June 9, Plaintiff filed a 23-page document self-styled as (1) Motion For New Trial And Relief From Judgment Or Order; (2) Motion For Recusal Of Judge Walter Heen For Prejudice And For Joinder Of Walter Heen As Ex-U.S. District Attorney, As Contributory Defendant, and (3) Re-Motion For Summary Judgment For Plaintiff Pro Se.

While the document is not as lengthy as the original 139-page complaint (not including exhibits attached thereto), it is nonetheless as completely devoid of logical statements for relief as that complaint and its amendments.

Plaintiff is clearly not entitled to a new trial for the reason that there never was a trial in this matter in this Court. Furthermore, Plaintiff shows no reason in law or fact for the granting of relief from the order which dismissed this action.

Plaintiff's Motion For Recusal comes too late to be considered by this Court. In addition, the Plaintiff's allegations are not in affidavit form and not made under oath. Title 28, United States Code, Section

144, requires that the challenging party file such an affidavit stating facts and reasons for recusal not less than ten days before the beginning of the term at which the proceeding is to be heard.

The Court has nonetheless examined the allegations made by Plaintiff and finds that they do not contain facts and reasons for belief that any bias or prejudice exists on the part of this Court regarding her allegations in the complaint. Plaintiff alleges that she conferred with me while I served as U.S. Attorney regarding her desires to have the Justice Department or the F.B.I. investigate her complaints. My denial of her requests are now characterized by her as "malevolent disinterest." None of her allegations indicate any bias or prejudice against Plaintiff with respect to the present suit.

Plaintiff has also moved to have me joined as "contributory defendant." It should be noted that Plaintiff has named as Defendants in her suit the Supreme Court of the United States and the Supreme Court of the State of Hawaii, eight judges or former judges of the Hawaii State Circuit Court, members of the State Judicial Qualification Commission, the Governor of the State of Hawaii, the Disciplinary Counsel and Ex-Disciplinary Counsel of the State of Hawaii, six attorneys, two psychiatrists and a social worker, her husband and his engineering firm, and one private individual. Obviously, Plaintiff has joined in her suit any person who she feels has created or contributed to a need for, and failure to get, redress. She now seeks to join me apparently for the reason that I have dismissed her action, thus depriving her of a forum. Because Plaintiff's complaint has been dismissed with prejudice, her motion to have me joined as a Defendant obviously cannot be granted.

Plaintiff has submitted what she styles as Motions For Summary Judgment against all of the Defendants. Not only are these motions unaccompanied by any documents or material which indicate that there are no genuine issues of material fact, but they too have been made subsequent to the dismissal of this action and are, therefore, not timely.

All of Plaintiff's motions are *DENIED.*

IT IS FURTHER ORDERED, that the Clerk of this Court is directed not to accept any further motions of pleadings from Plaintiff in this matter.

DATED: Honolulu, Hawaii, June 16, 1981.

/s/ WALTER M. HEEN

United States District Judge

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
JUN 5 1981
at 1 o'clock and 15 min P.M.
WALTER A.Y.H. CHINN, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JANICE CHING YEE, Plaintiff,	)	CIVIL NO. 81–0148
v.	)	ORDER DISMISSING
HAROLD SHINTAKU, et al., Defendants.	)	COMPLAINT

ORDER DISMISSING COMPLAINT

The complaint filed by Janice Ching Yee on May 4, 1981, including the first, second and third amendments to the complaint, are hereby DISMISSED by this Court, sua sponte, for failure to contain a short and plain statement of the grounds upon which this Court's jurisdiction depends, and for failure to contain a short and plain statement of a claim showing that plaintiff is entitled to relief as required by Fed. R. Civ. P. 8 (a) (1) and 9 (a) (2).

The complaint is hereby DISMISSED, along with the first, second and third amendments, on the additional ground that they violate the requirements of Fed. R. Civ. P. 8 (e) (1) because the averments of plaintiff's complaint and amendments are not simple, concise and direct.

This Court takes notice of plaintiff's lengthy history of litigation in the State Courts of Hawaii and, in particular, the various orders of the Supreme Court, the Family Court, and the Circuit Court of the State of Hawaii which have barred the Court Clerks from accepting any further motions, pleadings or appeals from plaintiff regarding her divorce proceedings and any other litigation generated by plaintiff which has arisen out of those divorce proceedings. This background to plaintiff's complaint, as well as this Court's analysis of plaintiff's complaint, amendments and motions filed in this action support

this Court's conclusion that plaintiff's claims are wholly insubstantial and frivolous, immaterial and made solely for the purpose of obtaining jurisdiction in the Federal Courts.

The complaint is DISMISSED with prejudice, without furthere leave to amend, and each party will bear its own costs.

SO ORDERED.

DATED: Honolulu, Hawaii, June 5, 1981.

/s/ Walter M. Heen
United States District Judge

Civil No. 81–0148
Janice Ching Yee v. Harold Shintaku, et al.
Order Dismissing Complaint

EXHIBIT J: PERTINENT MATTER FROM P. 11, 12, and 15* OF "SUPPLEMENTARY STATEMENT TO SIXTH DECISION AND ORDER"
filed April 11, 1975 at 3:53 p.m.
IN THE FAMILY COURT OF THE FIRST CIRCUIT
STATE OF HAWAII
case #FC-D No. 81258; JCYee v. AAYee

pages 11 and 12: for Plaintiff's contention of Judge's perjured libel.

"It is the Court's finding that Plaintiff's judgment and her capacity to make rational decisions are impaired, and that the management of her financial assets by a trustee will facilitate their preservation and use consistent with her long-range need for security and support."

III. SUPPORT AND MAINTENANCE.

"Plaintiff, as stated in the prior decisions in this case, is unlikely to be able to provide for herself by gainful employment in the future. Even in his earliest position statement filed in 1972, Defendant acknowledged that it would be necessary for him to provide alimony for Plaintiff throughout her life. He then offered $2000 per month, said amount to include Plaintiff's responsibility for making premium payments on life insurance policies which she owned on Defendant's life.

Plaintiff, as a wife of nearly 20 years (many of which she was a full contributing partner in the maintenance of the family, a good mother and wife in all respects), is also entitled to a distribution of the parties' assets at the time of the dissolution of the marriage. Because of her present incapacities, however, her greatest need is for continued support."

EXHIBIT J #1 (and EXH.D#2, p. 21 & 22) of Amendment of Complaint.

APPENDIX 5. of Opening Brief of HSC#10354.

*also included as part of APP."F(10)" of case USSC#75-1429 filed April 7, 1976.

page 15: for allegations: "denials" †perpetrate ‡Judge's perjured libel.

"The testimony in court and the written report submitted in evidence by Dr. Elizabeth Adams, consulting psychiatrist to Family Court, described Plaintiff as a "once very capable woman who is now disabled by severe chronic mental illness.

The court finds that Plaintiff is incapacitated to act further as a trustee under any trust agreement of indenture of trust and specifically under the Trust Agreements entered into between Defendant as grantor and Plaintiff as trustee. In respect to the Trust Agreement of January 12, 1967, Defendant as grantor is therefore empowered and obligated to appoint a successor trustee.

Dated: Honolulu, Hawaii, April 11, 1975.

/s/ Betty M. Vitousek
JUDGE OF THE ABOVE ENTITLED COURT

†by other Judges.
‡by as contributory condonement.

APPENDIX 8: RULINGS AND LAW RELIED ON

A. RULINGS

1. **Atlanta Finance Co., v. Cain: 42 Ga. App. 819, 157 S.E. 337, and per BLACK'S LAW DICTIONARY, p. 1110, (4th ed.):**

   "Malicious Abuse of Legal Process. Wilfully misapplying court process to obtain object not intended by law."

2. **Azar v. Conley (1972.CA6 Ohio) 456 F2d 1382, later app. CA6 Ohio) 480 F2d 220:**

   "Specific intent need not be alleged in a suit under 42 USCS #1985, clause (3); fact pleaded must merely show an "invidiously discriminatory animus" behind the conspirators' action." "While 42 USCS#1985 does not give rise to a cause of action for slander, slanderous remarks might constitute an integral part of a clause (3) conspiracy."

3. **In Re Baum, 8 NYS 771, Hun. 611, and per BLACK'S LAW DICTIONARY, p. 1111 (4th ed.) (par. 4)**

   "Malpractice." "The term is occasionally applied to lawyers, and then means generally any evil practice in a professional capacity, but rather with reference to the court and its practice and process than to the client."

4. **Board of Regents v. Roth, 408 U.S. 564, 40 L.W. 5079 (1972)**

   "two recent cases decided by the Supreme Court, Board of **Regents v. Roth"** and **"Perry v. Sinderman".** "In determining whether due process requirements apply, the Court must look to the nature of the interest at stake to determine whether it falls within the protection of liberty and property afforded by the Fifth or Fourteenth Amendment." "Moreover, the Court noted:" "where a person's good name, reputation, honor or integrity is at stake because of what the Government is doing to him, (or her)* notice and opportunity to be heard are essential". (also from **L.W. vol#44, No. 28, p. 2530)**

5. **Bottone v. Lindsley (1948 CA10 Colo) 170 F2d 705, cert den 336 US 944, 93 L Ed 1101, 69 S. Ct. 810:**

   "To make cut a cause of action the state court proceed-

ings must have been a complete nullity, with a purpose to deprive a person of his property without due process of law."

6. **Britt v. Suckle (1978) DO Tex) 453 F. Supp. 987:**
   "Fourteenth Amendment authorize Congress to legislate to prohibit a private conspiracy with purpose of denying Plaintiff equal treatment by the State Courts through attempted denials of Plaintiff's access to them." **(USCA 1985(2) USCA Const. Amend. 14.**

7. **Capital Electric Co. v. Cristaldi, D.C. Md. 157, F. Supp. 646, 648:**
   "Malicious abuse of legal process. The tort of "malicious abuse of process" requires a perversion of court process to accomplish some end which the process was not designed to accomplish, and does not arise from a regular use of process, even with ulterior motives."

8. **Cook & Nichol, Inc. v. Plimsoll Club; 451 F2d 505 (5th Cir. 1971):**
   Plaintiff "should not be dismissed for failure to state claim unless appears beyond doubt that Plaintiff can prove no set of facts in support of the claim which would entitle the Plaintiff to relief." **FRCP, Rule 12(b) (6) 28 USCA.**

9. **Culp v. Devlin (1977, DC Pa) 437 F. Supp. 20:**
   "While every negligent act committed under color of law will not give rise to civil rights claim under 42 USCS#1983, negligent act which amounts to deprivation of right, privilege, or immunity secured by Constitution or laws of United States is within terms of #1983."

10. **Fannie v. Chamberlain Mfg. Corp. Derry Div. (1977 DC Pa) 445 F. Supp. 65:**
    "The doctrine of Res Judicata require for its application, final judgment on the merits."

11. **Fluharty v. Fluharty, 8 WW. Harr. 487, 193, A 838, 840, and per BLACK'S LAW DICTIONARY, (4th ed.) 1951, p. 324:**
    "Coerce. Compelled to compliance; constrained to

obedience, or submission in a vigorous or forcible manner."

12. **Gibson v. Seattle (Washington) Dept. of Police (1973) CA9 Wash) 472 F2d 1220; Johnson v. Lark (1973, DC Mo) 365 F Supp. 289:**

"Actions brought to vindicate civil rights do not depend for jurisdiction upon whether such rights are personal as opposed to property rights."

13. **Gloss v. People. 259 Ill.332, 102 NE 763, and per BLACK'S LAW DICTIONARY (4th ed.) 1968, p. 1111:**

"Prejudice. Suffering an invasion of one's legal right. Having one's pecuniary interest affected by a judgment."

14. **Gregory v. McInnis, 140 S.C. 52, 134 S.E. 527, 529, and per BLACK'S LAW DICTIONARY (4th ed.) 1968, p. 1111:**

"Malpractice. Any professional misconduct, unreasonable lack of skill or fidelity in professional or judiciary duties, evil practice, or illegal or immoral conduct."

15. **Griffin v. Breckenridge, Supra 403 U.S. at 90-91, 91 S. Ct. 1790, id at 102, 91 S. Ct. 1798:**

"The language regarding intent to deprive of equal protection or equal privileges" means that there must be some racial or perhaps otherwise class-based insidiously discriminatory animus behind the conspirators' action."

"No 'state action' involvement need be alleged or proven for recovery under clause (3) of 42 USCS #1985; as construed, this provision is valid under the Thirteenth Amendment and (as to the travelling-on-highway subclause) the Interstate Commerce Clause."

"Conclusion: The ultimate inequality of treatment in the courts, in Congress' language, 'the obstruction of the due course of justice', is the discrimination aimed at in the Complaint and prohibited by 1985(2)." "In this Court's view, the Plaintiff has stated a claim under 42 USC 1985(3)".

16. **Haaslam v. Morrison, 113 Utah 14, 190 P. 2d 520, and per BALLENTINE'S LAW DICTIONARY (3rd ed.) 1968:**

"**Prejudice.** A hostile feeling or spirit of ill will, or undue friendship or favoritism, directed against one of the litigants."

17. **Hampton v. Hanrahan. (1979 CA & Ill) 600 F2d 600:**

"Express agreement among all conspirators is not a necessary element of a civil conspiracy." "—must share general conspiratorial objective, but they need not know all details of plan designed to achieve objective or possess same motives for desiring intended conspirational result. When a Plaintiff alleges conspiracy to violate civil rights, existence or non-existence of conspiracy is essentially a factual issue that the jury, not trial judge, should decide." **42 USCA 1983 1985(3).**

18. **Head v. Timken Roller Bearing Co. (1973) (CA6 Ohio) 486 F2d 870:**

"Action for employment discrimination involving racial discrimination may be brought under either 42 USCS#1 or Title VII of Civil Rights Act of 1964 **(42 USCS #2000e et seq.)"**

19. **Hodgins v. State. 2 Ga. 173, 176 and per BALLENTINE'S DICTIONARY (3rd ed.) 1968:**

"**Prejudice.** An opinion formed before the facts are known or in disregard of facts."

20. **Hoffman v. Halden (1959, CA9 Or) 268 F2d 280:**

"Under clause (2) of 42 USCS#1985 the elements of a cause of action are (1) that Defendants conspired; (2) that the purpose of the conspiracy was to impede or hinder, or obstruct or defeat the due course of justice in a state or territory; (3) with the purpose intent to deny to a citizen the equal protection of the law; (4) that the acts complained of were done under color of state law or authority, and (5) that by acts done in furtherance of the conspiracy the Plaintiff was injured in his person or property or was deprived of having and exercising a right or privilege of a citizen of the United States."

21. **Hollenback v. Hall, 103 Iowa 214, 72 NW 518, and per BALLENTINE'S DICTIONARY (3rd ed.) 1969, p. 321:**

"**Defamation, libel or slander.** The publication (as EXHIBIT J of Hawaii Family Court order) of anything which is injurious to the good name or reputation of another person or which tends to bring him (her) into disrepute."

22. **Imbler v. Pachtman, USSC#75-5435, (LAW WEEK, vol.#44, No. 28, p. 4257 and 4258):**

"42 USC* 1983 provides: 'Every person who, under color of any statute, ordinance, regulating custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the U.S. or other person within the Jurisdiction thereof to the deprivation of any rights, privilege, or immunities secured by the Constitution .... shall be liable to the party injured in an action at law, suit in equity or other proper proceedings for redress."

23. **Jacobs v. Board of Regents (1979 SD Fla) 473 F. Supp. 663:**

"A Plaintiff should never be dismissed unless it appears beyond a doubt that Plaintiff can prove no set of facts in support of the claim which would entitle the Plaintiff to relief." *FRCP, Rule 12(b) (6) 28 USCA.*

"Disctrict Court is required to construe the Complaint in a light most favorable to Plaintiff, and to take the allegations contained therein as true. *"FRCP, Rule 12 (b)(6).*

24. **Jillson v. Caprio. 86 APp. DC 168, 181 F2d 523; Noted. 49 Mich. LR 917 (1941); 35 Cornell L.Q. 904 (1950); and Encyclopedia of Negligence, p. 1143 (sec. 407) par. 1:**

"FALSE ARREST. False arrest fundamentally refers to restraint under legal procedures."

"Any 'restraint' on the personal liberty to come and go, of a person no matter how slight is an 'arrest'. A 'malicious arrest' is one made in proper procedural form but without probable cause."

p. 1145 (sec. 408): "No damage need be shown in order to spell out this tort because of the origin of the

action" "and even momentary 'restraint' is sufficient. And the victim is entitled to 'compensatory damages' for the mental suffering and time lost, as well as 'general damages'. " "Furthermore," "Negligence as well as intent on the part of the wrongdoer suffices for "false imprisonment" or "false arrest".

p. 1147 (sec. 409):

Not only the perpetrators" "but the instigators of unlawful violence is fully responsible to its victim."

p. 1148 (sec. 409): "ANYONE WHO AIDS A FALSE ARREST IS GUILTY1"*

* emphasis added.

25. **Knight v. Auciello (1972 CA1 Mass) 453 F2d 852:**

"Award of costs proper under 42 USCS#1982 so that Plaintiff will not be burdened in vindicating public right established hereunder."

26. **Lamb v. Saliee (1976 DC Ky) 417 F Supp 282:**

"Compensatory damages for humiliation and emotional and mental anguish are appropriate under 42 USCS #1982, and any award of attorneys' fees (or Plaintiff Pro Se's) is not based on the financial ability of Plaintiff."

27. **Lambert v. People of California. 335 U.S. 225, 1958; and per CRIMINAL LAW by Donnelly, Goldstein, and Schwartz, p. 540:**

" "Then too, a cruelly disproportionate relation between what the law requires and the sanction for its disobedience may constitute a violation of the EIGHTH AMENDMENT, as a "cruel and unusual punishment", and, in respect to the States, even offend the Due Process Clause of the FOURTEENTH AMENDMENT." "

28. **In Re: Ledwith v. International Paper Co. 64 NYS 2d 810, Affd. 271 AD 864 66 NYS. 2d 625; and ENCYCLOPEDIA OF NEGLIGENCE (vol. 2) 1962, p. 973 (sec. 336) paragraph 1:**

"If the complaint states any facts showing a wrong which the law recognizes and will redress, it is legally sufficient as a pleading. Even a lawful act done solely out of malice and ill will to injure another may be action-

able. An action will lie for malicious acts and words where they are calculated to produce and where they produce damage. The genesis which will make a lawful act unlawful exclusively directed to injury and damage of another. Statements may be actionable without a word of falsehood where the maker acts solely out of disinterested malevolence."

29. **Lyons v. St. Joseph Belt Ry. Co. Mo. App. 84 SW 2nd 933, 944, and per: BLACK'S LAW DICTIONARY. (4th ed.) 1968, p. 1110:**

    "Malice in Law. The intentional doing of a wrongful act without just cause or excuse."

30. **Magill v. Avonworth Baseball Conference (1973 DC Pa) 364 F Supp 1212, vacated without op (CA3Pa) 497 F2d 921, later app (CA3Pa) 516 F2d 1328:**

    "42 USCS#1985 does not provide protection against all types of discrimination, but only that discrimination which occurs under color of state law; unlawful discrimination must result from misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state law; merely acting under state license is not state action within context of 42 USCS #1985."

31. **Martin v. Wainwright (1976 CA 5 Fla.) 526 F2d 938:**

    "District Court must be sensitive to problems of Pro Se Plaintiff in civil rights action and not be too quick to dismiss complaint for failure to state technical cause of action."

32. **May Hosiery Mills v. U.S. District Court in and for the District of Montana, CCA Mont. 64 F 2d 450, 454, and: BLACK'S LAW DICTIONARY, (revised 4th ed.) 1968, page 331:**

    "Collusion. Is an agreement between two or more persons to defraud a person of his rights by the forms of law, or to obtain an object forbidden by law. It implies the existence of fraud of some kind, the employment of fraudulent means, or of lawful means for the accomplishment of an unlawful purpose."

33. **McClellan v. Mississippi Power & Light Co. 545 F2d 919 (5th Cir. 1977) (en blanc) Id. at 925:**

"Put more simply, there can only be a deprivation of rights of a Plaintiff when the action of the Defendant is otherwise illegal."

34. **Mitchell v. Boslow (1973, DC Md) 357 F Supp 199:**

"Negligence is actionable under 42 USCS# 1983" "If bad faith and oppressive motive is shown."

35. **NLRB v. Grower-Shipper Vegetables Association. AM J 2d Abuse, p. 9 and per BALLENTINE'S LAW DICTIONARY, (3rd ed.) 1969, p. 213:**

"Coercion. Compulsion by application of physical or mental force of persuasion. A form of abuse of process."

36. **Paul v. Davis (1976) 424 US 693, 47 L. Ed 2d 405, 96 S.Ct. 1155. reh den 425 US 985, 48 L. Ed 2d 811, 96 S.Ct. 2194:**

" "Interests comprehended within meaning of either "liberty" or "property" under procedural guarantees of due process clause of Fourteenth Amendment include interests that are recognized and protected by state law, and interests guaranteed in one of provisions of Bill of rights which have been "incorporated" into Fourteenth Amendment; 42 USCS#1983 – which creates right of action against person who, under color of state law, subjects another to deprivation of any right secured by Federal Constitution – makes deprivation of such latter type of right actionable independantly of state law." "

37. **Peck v. U.S. (1979 SD NY) 470 F. Supp. 1003:**

"Determination of when a claim accrues under civil right conspiracy statute is a question of Federal Law." *42 USCA 1986.*

38. **Pennsylvania v. International Union of Operating Engineers (1972 DC Pa) 347 F Supp. 268:**

"No 'state action' is required to state a cause of action for violation of equal right under 42 USCS #1981."

39. **People v. Ormsby. 310 Mich. 291, 17 NW 2nd 187, 190, and per BLACK'S LAW DICTIONARY, (4th ed.) 1968, p. 1228:**

"**Obstructing Justice.** Impeding or obstructing those who seek justice in a court, or those who have duties or powers of administering justice therein."

40. **People v. Winters; 171 Cal App. 2d 876, 342, P.2d 538 (App. Dept. Sup. Crt.) 1959:**

"The dismissals were void because the trial judge acted in a matter where he openly declared his bias and prejudgment without disqualifying himself."

41. **Petrovitsky v. Brigham, 14 Utah 472, 47 P. 666; and per BALLENTINE'S LAW DICTIONARY (3rd ed.) 1969:**

"**Defraud.** To commit acts, omissions, or concealments which involve a breach of legal or equitable duty, trust, or confidence just reposed, and are injurious to another, or by which an undue and unconscionable advantage is taken of another."

42. **Phaby v. KSD-KSD TV, Inc. (1979 ED Mo) 475 F. Supp. 1051:**

"A conspiracy to deprive a person of his rights to free speech and freedom of association due to his membership in a class, even though committed entirely by private persons, will constitute a violation of civil rights conspiracy statute." *42 USCA 1985(3), 1983.*

43. **Rice v. Winkelman Bros. Apparel, Inc. 13 Mich. App. 281, 164 N.W. 2d 417, 420:**

"**Malice.** Malice may be defined, insofar as defamation is concerned, as acting in bad faith and with knowledge of falsity of statements."

44. **Runyan v. McCrary (1976) 427 US 160, 49 L Ed 2d 415, 96 S.Ct. 2586:**

"42 USCS 1981 and 1982, which guarantee all persons same specified rights as enjoyed by white citizens, both reach private conduct."

45. **Santiago v. Philadelphia (1977 DC Pa) 435 F. Supp. 136:**

"Cause of action under 42 USCS#1986 requires that defendant knew of 42 USCS#1985(3) conspiracy and "having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do"; thus #1986 can only be pleaded once Plaintiffs have sufficiently alleged #1985(3) violation."

46. **Scheurer v. Rhodes. 416, U.S 232, 94 S.Ct. 1683, 40L.Ed 2d 90 (1979):**

"—Court is required to construe the complaint in a light most favorable to Plaintiff and to take the allegations contained therein as true."

47. **Scott v. Moore (1978 DC Tex) 461 F. Supp. 224:**

"Once conspiracy exists, co-conspirators of whom a party to conspiracy is unaware can bind him by their actions. Plaintiff must show conspiracy entered into with intent to deny class to which he belongs equal protection of the law, or an injury for lawfully expressing right of any person to equal protection of the law." *42 USCA (1985) (3).*

48. **Seaton v. Sky Realty Co. (1974, CA7 Ili) 491 F2d 634:**

"Award of compensatory damages under 42 USCS #1982 is appropriate for humiliation suffered by Plaintiffs as result of racial discrimination; humiliation can be inferred from circumstances as well as established by testimony."

49. **Selzer v. Verkowitz. (1978 DC NY) 459 F. Supp. 347:**

"(2) a conspiracy aimed at depriving someone of his First Amendment Right of freedom of speech and freedom of association was cognizable under the civil rights laws, and 020"Violation of Law. To fail to ob(3) where state action is involved, there is no requirement of showing of a class-based discriminatory animus". *F. Supp 348.*

"Civil Rights statute prohibiting conspiracy to deny

equal protection applies to any and all comspiracies involving state action which threatened deprivation of rights protected under statute, even if such conspiracies are not motivated by class based discriminatory animus and are directed solely at an individual." *42 USCA. 1985(3) USCA. Const. Amend. 14.*

50. **State v. Case 53 Mo. 246, 250, and per BALLENTINE'S LAW DICTIONARY. 1968, (3rd ed.) p. 768:**

"Violation of Law. To fail to observe the law whether by act of commission or ommission."

51. **State v. Huegin, 110 Wis. 189, 85 NW 1046, 62 LRA 700, and BLACK'S LAW DICTIONARY (4th ed.) 1968 p. 1110:**

"Malicious Injury. An injury committed against a person at the prompting of malice or hatred toward him, or done spitefully or wantonly."

52. **State v. Vandenburg. 9 WW Harr. 498, 2A 2d916, 919, and BLACK'S LAW DICTIONARY. (Rev. 4th ed.) 1968:**

"Defraud. To deprive a person of property or any interest, estate, or right; by fraud, deceit, or artifice."

53. **State ex rel Knabb v. Frater, 198 Wash. 675, 89, P. 2d, 1046, 1048:**

"Malfeasance. Evil doing; ill conduct. The commission of some act which is positively unlawful; the doing of an act which is wholly wrongful and unlawful; the doing of an act which person ought not to do at all or the unjust performance of some act which the party had no right or which he had contracted not to do."

54. **Stern v. United States Gypsum Inc. (1977 CA7 Ill) 547 F2D 1327, motion den (CA7) 560 F2d 865:**

"Cause of action under 42 USCS#1985(1) did not include requirement that conspiracy be motivated by invidiously discriminatory animus."

55. **United States v. Classic, 313 U.S. 299, 326.**

" "The United States Constitution, among other things places substantial limitations upon State action, and the cause of action provided in 42 U.S.C.+1983 is fundamentally one for "Misuse of Power", possessed by virtue of State Law and made possible only because the wrong doer is clothed with the authority of state law." "

56. **U.S. v. Dowd. 271 F 2d. 292 (7th Cir. 1959) and per CRIMINAL LAW by Donnelly, Goldstein, & Schwartz, p. 485:**

"The Thirteenth Amendment prohibits 'involuntary servitude' except as a punishment for crime whereof the party shall have been duly convicted."

57. **United States General Inc. v. Schroeder (1975 DC Wis) 400 F. Supp. 713:**

"While as general rule state court litigants are amenable to suit under provisions of Civil Rights Act, private person who effects unconstitutional prejudgment judicial remedy does perform state action within meaning of 42 USCS#1983, since private citizen is acting under color of state law when his action is encouraged by state law and especially when it is possible only by virtue of state law."

58. **Warren v. Union Bank. 157 NY 259 51 NE 1056; and per BALLENTINE'S LAW DICTIONARY (3rd ed.) 1969, p. 218:**

"Collusion. An agreement between two or more persons to defraud another of his rights by the forms of law or to secure an object forbidden by law."

59. **White v. Bloom (1980 CA 8 Mo) 621 F 2d 276:**

"When complaint under USCS 1983 or 1985 can be read to allege continuing conspiracy, period of limitation for damages does not begin to run until last overt act of conspiracy has occurred."

60. **White v. Chicago, Burlington, and Quincy R.R., 417 F. 2d 941, (1969)**

"Qualified privilege is not absolute defense to slander suit and if defense is pleaded, the question of MALICE is still one of fact for the Jury."

B. LAW

I. TITLE 28 UNITED STATES CODE

1. **Chapter 81, section 1257. State courts; appeal; certiorari.** Final judgments or decrees rendered by the highest court of a State in which a decision could be had may be reviewed by the Supreme Court as follows:
   (3) By writ of certiorari, where the validity of a treaty or statute of the United States is drawn in question or where the validity of a State statute is drawn in question on the ground of its being repugnant to the Constitution, treaties or laws of the United States, or where any title, right privilege or immunity is specially set up or claimed under the Constitution, treaties or statutes of, or commission held or authority exercised under, the United States.
2. **Chapter 111, sec. 1651(a). WRITS:** "The Supreme Court and all courts established by Act of Cngress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law."
3. **Chapter 111, sec. 1654. APPEARANCE PERSONALLY:** "In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein."
4. **Chapter 133, sec. 2101. Supreme Court; time for appeal or certiorari; docketing; stay**
   (c) Any other appeal or any writ of certiorari intended to bring any judgment or decree in a civil action, suit or proceeding before the Supreme Court for review shall be taken or applied for within ninety days after the entry of such judgment or decree. A justice of the Supreme Court for good cause shown, may extend the time for applying for a writ of certiorari for a period not exceeding sixty days.
5. **Chapter 133, sec.2106: DETERMINATION:** "The Supreme Court or any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances."

II. TITLE 42, UNITED STATES CODE SERVICE

Chapter 21:

1. **Section 1981: GENERALLY EQUAL RIGHTS UNDER THE LAW:**

   "All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to the like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

2. **Section 1982. PROPERTY RIGHTS OF CITIZENS:**

   "All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.

3. **Section 1983: CIVIL RIGHTS FOR DEPRIVATION OF RIGHTS:**

   "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit, in equity, or other proper proceeding for redress.

4. **Section 1985:**

   (1) PREVENTING OFFICER FROM PERFORMING DUTY.

   "If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place or confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his

office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

(2) OBSTRUCTING JUSTICE; INTIMIDATING PARTY, WITNESS, OR JUROR.

"If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party of witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any persons, or class of persons, to the equal protection of the laws;

(3) DEPRIVING PERSONS OR RIGHTS OR PRIVILEGES.

"If two or more persons in any State or Territory conspire, or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws, or for the purpose of preventing or hindering the constituted authorities of any State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the

election of any lawfully qualified person as an elector for President or Vice-President, or as a member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party occasioned by such injury or deprivations, against any one or more of the conspirators.

5. **Section 1986; ACTION FOR NEGLECT to prevent CONSPIRACY:**

"Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in the preceding section [42USCS § 1985], are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action, and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding five thousand dollars damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.

Chapter 21, Section 1988. Proceedings in vindication of civil rights.

The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of this Title, and of Title "CIVIL RIGHTS," and of Title "CRIMES," for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State where the court having jurisidiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the part found guilty. In any action or proceeding to enforce a provision of section 1977, 1978, 1979, 1980, and 1981 of the Revised Statutes [42 USCS §§ 1981-1983, 1985, 1986], title IX of Public Law 92-318 [20 USCS §§1681 et seq.], or in any civil action or proceeding, by or on behalf of the United States of America, to enforce, or charging a violation of, a provision of the United States Internal Revenue Code [26 USCS §§ 1 et seq.], or title VI of the Civil Rights Act Of 1964 (42 USCS §§2000d et seq.], the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.

III. THE UNITED STATES CONSTITUTION

ARTICLE IV.

Section 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

IV. HAWAII REVISED STATUTES

1. **Chapter 605-2:** *"Attorneys: license required.* No person shall be allowed to practice in any court of record or before a circuit judge at chambers, unless, he has been duly licensed so to do by the supreme court; provided, that nothing in this chapter shall prevent any person, plaintiff, defendant, or accused, from appearing in person before any court, or justice, and there prosecuting or defending his own cause, without the aid of legal counsel. *(CC 1859,+1068; RL 1925,+2305; RL 1935,+3604; RL 1945,+9702; RL 1955,+217-2)"*
2. **Chapter 657-20:** *"Extension by fraudulent concealment.* If any person who is liable to any of the actions mentioned in this part, fraudulently conceals the cause of such action from the knowledge of the person entitled thereto, the action may be commenced at any time within six years after the person who is entitled to bring the same discovers that he has such cause of action, and not afterwards. *(CC 1859,+1049; RL 1925,+2654; RL 1935,+3925; RL 1945, +10436; RL 1955,+241-19)*

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Attorneys for Defendants
JOHN S. WILLIAMSON & BOBBY KAU

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

AUG 30 PM 2:33

S. IKEDA
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

JANICE CHING YEE,
Plaintiff,

vs.

JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY, JOHN S. WILLIAMSON, BOBBY KAU, ALFRED YEE, GUNZI IZUMOTO, in his capacity as Chief Clerk of the First Circuit Court, BETTY VITOUSEK, in her capacity as Judge of the Family Court of the First circuit, EDWARD CHUN, and ROBERT HOGAN,
Defendants.

CIVIL NO. 83013

ORDER GRANTING MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFF AND PLAINTIFF'S MOTION TO REPRESENT HERSELF PRO SE AND FOR AN EXTENSION OF TIME

ORDER GRANTING MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFF AND PLAINTIFF'S MOTION TO REPRESENT HERSELF PRO SE AND FOR AN EXTENSION OF TIME

The Motions of MELVIN WONG to withdraw as counsel for Plaintiff, Plaintiff's Motion to represent herself Pro Se and for an extension of time to file an Amended Complaint having come on for hearing before this Court on August 14, 1984, Plaintiff, Plaintiff's attorney MELVIN WONG and CHARLES H. WITHERWAX attorney for Defendants JOHN S. WILLIAMSON and BOBBY KAU, having appeared and argued the same, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that attorney WONG's Motion to withdraw and Plaintiff's Motion to Represent Herself Pro Se and for an extension of time to file an Amended Complaint be and the same hereby are granted.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff shall have until September 13, 1984 to file an Amended Complaint herein.

DATED: Honolulu, Hawaii, August 17, 1984.

SEAL

Edwin H. Honda
JUDGE OF THE ABOVE-ENTITLED COURT

WILLIAM L. FLEMING 188-0
STEPHEN B. MacDONALD 1545-0
THOMAS E. CROWLEY 1753-0
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& WRIGHT
1000 Bishop Street
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Attorneys for Defendant
ROBERT HOGAN

1st CIRCUIT COURT
STATE OF HAWAII
FILED
1984 SEPT. 27 AM 10:45

B. CHO
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

JANICE CHING YEE,
Plaintiff,

vs.

JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY, JOHN S. WILLIAMSON, BOBBY KAU, ALFRED YEE, GUNZI IZUMOTO, in his capacity as Chief Clerk of the First Circuit Court, BETTY VITOUSEK, in her capacity as Judge of the Family Court of the First Circuit, EDWARD CHUN, and ROBERT HOGAN,
Defendants.

CIVIL NO. 83013

ORDER GRANTING DEFENDANT ROBERT HOGAN'S MOTION FOR SUMMARY JUDGMENT

ORDER GRANTING DEFENDANT ROBERT HOGAN'S MOTION FOR SUMMARY JUDGMENT

Defendant ROBERT HOGAN's Motion for Summary Judgment having come on before the Honorable Richard Y.C. Au, Judge of the first Circuit Court of the State of Hawaii, on Friday, September 14, 1984 at 2:30 P.M., Thomas E. Crowley appearing for Defendant ROBERT HOGAN, William C. McCorriston appearing for Defendant EDWARD CHUN, and JANICE CHING YEE appearing Pro Se, the Court having reviewed the memoranda submitted by the parites, having heard the oral arguments at the hearing on the Motion, and being otherwise fully apprised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant ROBERT HOGAN's Motion for Summary Judgment is granted, but that Defendant ROBERT HOGAN's request for reasonable attorney's fees and costs incurred by him is denied.

DATED: Honolulu, Hawaii, September 24, 1984.

(SEAL) R. AU
JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM AND CONTENT:

JANICE CHING YEE with objection!
Plaintiff Pro Se

WILLIAM C. McCORRISTON
Attorney for Defendant
EDWARD CHUN

JEAN K. CHIOGIOJI
Deputy Attorney General
Attorney for Defendants
GUNJI ISUMOTO and
BETTY VITOUSEK

CHARLES H WITHERWAX
Attorney for Defendants
JOHN S. WILLIAMSON and
BOBBY KAU

WARREN PRICE, III
Attorney for Defendant
JOHN HANCOCK LIFE INSURANCE CO.

EDWARD Y.C. CHUN
Attorney for Defendant
ALFRED A. YEE

WILLIAM L. FLEMING 995-0
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130 Merchant Street
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Attorney for Defendant
EDWARD Y.C. CHUN

1st CIRCUIT COURT
STATE OF HAWAII
FILED

1984 OCT 11 PM 12:12

B. NAKAMEAEJO
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

JANICE CHING YEE,
Plaintiff Pro Se,

vs.

BETTY VITOUSEK; EDWARD CHUN; ROBERT HOGAN; ALFRED A. YEE, and ALFRED A. YEE & ASSOCIATES, INC; BOBBY KAU, JOHN S. WILLIAMSON, and, THE JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY; GUNJI IZUMOTO; HAROLD SHINTAKU; NORITO KAWAKAMI; ELIZABETH M. ADAMS, and, GERRY NAGAHISA; HAROLD NICKELSEN; JAMES KOSHIBA, THE HAWAII STATE BAR ASSOCIATION involved members, JUNG LOWE, DAN HEELY, and, THE HAWAII JUDICIAL QUALIFICATIONS COMMISSION OF 1978; ROBERT STEVENSON, CLIFFORD MELIM, REV. CHARLES CRANE, and deceased, exempt THOMAS OGATA; ARTHUR FONG; JAMES BURNS; GOV. GEORGE ARIYOSHI; BARRY RUBIN; DONALD TSUKIYAMA; RICHARD LEE; WALTER HEEN; UNITED STATES COURT OF APPEALS JUDGES: ALFRED GOODWIN, OTTO SKOPIL, HARRY PREGERSON, and, WARREN FERGUSON; HAWAII'S UNITED

CIVIL NO. 83013

ORDER DENYING PLAINTIFF's MOTION FOR RELIEF FROM VARIOUS ORDERS, MOTION FOR SUMMARY JUDGMENT, AND MOTION FOR NEW TRIAL AND ORDER GRANTING DEFENDANTS' JOINT MOTION TO DISMISS AMENDED COMPLAINT

STATES DISTRIC COURT JUDGES:
SAMUEL KING, MARTIN PENCE,
and, HAROLD FONG; HAWAII'S
U.S. DISTRICT ATTORNEYS
DANIEL BENT, and, FRANK
WILSON; UNITED STATES
SUPREME COURT;
Defendants

ORDER DENYING PLAINTIFF'S MOTION FOR RELIEF FROM VARIOUS ORDERS, MOTION FOR SUMMARY JUDGMENT, AND MOTION FOR NEW TRIAL AND ORDER GRANING DEFENDANTS' JOINT MOTION TO DISMISS AMENDED COMPLAINT

This matter having come on for hearing on September 18, 1984 before the Honorable Edwin H. Honda upon the following motions:

(1) Plaintiff's Motion for Relief from Order Granting Defendant Chun's Motion for Judgment on the Pleadings and Judgment;

(2) Plaintiff's Motion for Relief from Order Granting Defendants Izumoto and Vitousek's Motion to Dismiss;

(3) Plaintiff's Motion for New Trial;

(4) Plaintiff's Motion for Summary Judgment for Plaintiff Pro Se; and

(5) Defendants' Joint Motion to Dismiss Plaintiff's Amended Complaint or, in the alternative, for the Court *sua sponte* to dismiss the Amended Complaint, which was made orally at the hearing aforesaid.

The Court having considered the memoranda filed by counsel and plaintiff *pro se* and having considered the arguments of counsel and plaintiff *pro se* at the hearing;

The Court having further considered and taken judicial notice of the various state court and federal court orders adduced by defendants which have adjudicated plaintiff's claims against her in other proceedings which arise out of her divorce and which direct court clerks not to receive further pleadings which regard plaintiff's divorce proceedings;

The Court being satisfied that the allegations being made in the Amended Complaint relate to and arise out of plaintiff's divorce proceedings and the Amended Complaint does not materially differ from the actions previously filed by plaintiff in other state and federal court proceedings which have been adjudicated against her; and

The Court being mindful that by Order dated November 18, 1975, the Supreme Court of the State of Hawaii ordered its clerk not to accept further pleadings from plaintiff "... in order that appellannt (Plaintiff) may not abuse the judicial process."

IT IS ORDERED, ADJUDGED AND DECREED that Plaintiff's motions hereinabove described in number paragraphs (1) through (4) be and hereby are DENIED;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants' Joint Motion to Dismiss the Amended Complaint filed by Plaintiff on September 11, 1984, be and hereby is GRANTED as to all defendants named in the Amended Complaint.

DATED: Honolulu, Hawaii, September 28, 1984.

Edwin H. Honda
Judge of the above-entitled Court

SEAL

APPROVED AS TO FORM:

Edward Y.C. Chun
Attorney for Defendant
Alfred Yee and Alfred
A. Yee & Associates, Inc.

Thomas E. Crowley
Attorney for Defendant
Robert Hogan

Charles H. Witherwax
Attorney for Defendants
John S. Williamson and
Bobby Kau

Michael Chun
Attorney for Federal
Defendants

Jean K. Chiogioji
Attorney for State Defendants

Warren Price, III
Attorney for Defendant
John Hancock Life Insurance Co.

APPROVED AS TO FORM:

Objection to fact; see Motion to Vacate the Judgment,
filed September 21, 1984
Janice Ching Yee
Plaintiff Pro Se

WILLIAM L. FLEMING 188-0
STEPHEN B. MacDONALD 1545-0
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Attorneys for Defendant
ROBERT HOGAN

1st CIRCUIT COURT
STATE OF HAWAII
FILED
1984 OCT 23 PM 2:18
B. NAKAMAEJO
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

JANICE CHING YEE,
Plaintiff

vs.

BETTY VITOUSEK; EDWARD CHUN; ROBERT HOGAN; ALFRED A. YEE, INC.; BOBBY KAU; JOHN S. WILLIAMSON, and, THE JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY; GUNJI IZUMOTO; HAROLD SHINTAKU; NORITO KAWAKAMI; ELIZABETH M. ADAMS, and, GERRY NAGAHISA; HAROLD NICKELSEN; JAMES KOSHIBA; THE HAWAII JUDICIAL QUALIFICATIONS QUALIFICATIONS COMMISSION OF 1978; ROBERT STEVENSON, CLIFFORD MELIM, REV. CHARLES CRANE, and deceased, exempt WILSON CANNON, AND MITSUYUKI KIDO; STEPHANIE KOKERNAK; JARRET KO, and KWONG YEN LUM; JOHN PARKS; WILLIAM RICHARDSON, BERT KOBAYASHI, BENJAMIN MENOR; ROBERT W.B. CHANG, EDWARD NAKAMURA, and deceased exempt THOMAS OGATA; ARTHUR FONG; JAMES BURNS; GOV. GEORGE ARIYOSHI; BARRY RUBIN; DONALD TSUKIYAMA; RICHARD LEE; WALTER HEEN; UNITED

CIVIL NO. 83013

ORDER DENYING PLAINTIFF'S MOTION TO VACATE JUDGE AU'S JUDGMENT OF SEPT. 14, 1984 HEARING AND MOTION FOR SUMMARY JUDGMENT ON THE PLEADINGS FOR PLAINTIFF PRO SE JANICE CHING YEE

Motion Filed on September 20, 1984

Motion Heard on Friday, October 12, 1984 at 2:00 P.M. Before the Honorable Y.C. Au

STATES COURT OF APPEALS
JUDGES: ALFRED GOODWIN, OTTO
SKOPIL, HARRY PREGERSON, and,
WARREN FERGUSON; HAWAII'S
UNITED STATES DISTRICT COURT
JUDGES: SAMUEL KING, MARTIN
PENCE, AND HAROLD FONG;
HAWAII'S U.S. DISTRICT ATTORNEYS
DANIEL BENT, and FRANK WILSON;
UNITED STATES SUPREME COURT.
Defendants.

ORDER DENYING PLAINTIFF'S MOTION TO VACATE JUDGE AU'S JUDGMENT OF SEPT. 14, 1984 HEARING AND MOTION FOR SUMMARY JUDGMENT ON THE PLEADINGS FOR PLAINTIFF PRO SE JANICE CHING YEE

Plaintiff pro Se JANICE CHING YEE'S Motion to Vacate Judge Au's Judgment of Sept. 14, 1984 Hearing; and Motion for Summary Judgment on the Pleadings for Plaintiff Pro Se Janice Ching Yee having come on before the Honorable Richard Y5.C. Au, Judge of the First Circuit Court of the State of Hawaii, on Friday, October 12, 1984 at 2:00 P.M., Thomas E. Crowley appearing for Defendant ROBERT HOGAN, Jean Chiogioji appearing for the State Defendants, Tyler Pottenger appearing for Defendants JOHN S. WILLIAMSON and BOBBY KAU, William Ramos-Saunders appearing for Defendant EDWARD CHUN, and Plaintiff JANICE CHING YEE appearing Pro Se, the Court having reviewed the memorandum in support of the motion, having heard the oral arguments at the hearing on the motion, and being otherwise fully apprised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff Pro Se JANICE CHING YEE's Motion to Vacate Judge Au's Judgment of Sept. 14, 1984 Hearing; and Motion for Summary Judgment on the Pleadings for Plaintiff Pro Se Janice Ching Yee is hereby denied.

DATED: Honolulu, Hawaii, OCT 22, 1984.

RICHARD Y.C. AU
JUDGE OF THE ABOVE-ENTITLED COURT

WILLIAM L. FLEMING 188-0
STEPHEN B. MacDONALD 1545-0
THOMAS E. CROWLEY 1753-0
CADES SCHUTTE FLEMING
& WRIGHT
1000 Bishop Street
Honolulu, Hawaii 96813
Telephone: 521-9200

Attorneys for Defendant
ROBERT HOGAN

1st CIRCUIT COURT
STATE OF HAWAII
FILED
1984 OCT. 23 PM 2:21

B. NAKAMAEJO
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

JANICE CHING YEE,
Plaintiff,

vs.

BETTY VITOUSEK; EDWARD CHUN; ROBERT HOGAN; ALFRED A. YEE, INC.; BOBBY KAU; JOHN S. WILLIAMSON, and, THE JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY; GUNJI IZUMOTO; HAROLD SHINTAKU; NORITO KAWAKAMI; ELIZABETH M. ADAMS, and, GERRY NAGAHISA; HAROLD NICKELSEN; JAMES KOSHIBA; THE HAWAII STATE BAR ASSOCIATION involved members, JUNG LOWE, DAN HEELY, and, THE HAWAII JUDICIAL QUALIFICATIONS COMMISSION OF 1978; ROBERT STEVENSON, CLIFFORD MELIM, REV. CHARLES CRANE, and deceased, exempt WILSON CANNON, and MITSUYUKI KIDO; STEPHANIE KOKERNAK, JARRET KO, and KWONG YEN LUM; JOHN PARKS; WILLIAM RICHARDSON, BERT KOBAYASHI, BENJAMIN MENOR; ROBERT W.B. CHANG, EDWARD NAKAMURA, and deceased exempt THOMAS OGATA; ARTHUR FONG; JAMES BURNS; GOV.

CIVIL NO. 83013

ORDER GRANTING DEFENDANT ROBERT HOGAN'S MOTION TO ALTER ORDER GRANTING DEFENDANT ROBERT HOGAN'S MOTION FOR SUMMARY JUDGMENT

Motion Filed on October 5, 1984

Motion Heard on Friday, October 12, 1984 at 2:00 P.M. Before the Honorable Richard Y.C. Au

GEORGE ARIYOSHI; BARRY RUBIN; DONALD TSUKIYAMA; RICHARD LEE; WALTER HEEN; UNITED STATES COURT OF APPEALS JUDGES: ALFRED GOODWIN, OTTO SKOPIL HARRY PREGERSON, and, WARREN FERGUSON; HAWAII'S UNITED STATES DISTRICT COURT JUDGES: SAMUEL KING, MARTIN PENCE, and HAROLD FONG; HAWAII'S U.S. DISTRICT ATTORNEYS DANIEL BENT, AND FRANK WILSON; UNITED STATES SUPREME COURT.

Defendants.

ORDER GRANTING DEFENDANT ROBERT HOGAN'S MOTION TO ALTER ORDER GRANTING DEFENDANT ROBERT HOGAN'S MOTION FOR SUMMARY JUDGMENT

Defendant ROBERT HOGAN'S Motion to Alter Order Granting Defendant Robert Hogan's Motion for Summary Judgment having come on before the Honorable Richard Y.C. Au, Judge of the First Circuit Court of the State of Hawaii, on Friday, October 12, 1984 at 2:00 P.M., Thomas E. Crowley appearing for Defendant ROBERT HOGAN, Jean Chiogioji appearing for the State Defendants Tyler Pottenger appearing for Defendants JOHN S. WILLIAMSON and BOBBY KAU, William Ramos-Saunders appearing for Defendant EDWARD CHUN, and Plaintiff JANICE CHING YEE appearing Pro Se, the Court having reviewed the memorandum in support of the motion, having heard the oral arguments at the hearing on the motion, and being otherwise fully apprised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant ROBERT HOGAN'S Motion to Order Granting Defendant ROBERT HOGAN'S Motion to Order Granting Defendant Robert Hogan's Motion for Summary Judgment is hereby granted and Defendant ROBERT HOGAN is awarded his reasonable attorneys' fees in the amount of $4,763,75 and his costs of Court in the amount of $86.08 for a total award of attorneys' fees and costs in the amount of $4,849.83.

DATED: Honolulu, Hawaii, OCT 22, 1984.

RICHARD Y.C. AU

JUDGE OF THE ABOVE-ENTITLED COURT

WILLIAM L. FLEMING 188-0
STEPHEN B. MacDONALD 1545-0
THOMAS E. CROWLEY 1753-0
CADES SCHUTTE FLEMING
& WRIGHT
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Telephone: 521-9200

Attorneys for Defendant
ROBERT HOGAN

1st CIRCUIT COURT
STATE OF HAWAII
FILED
1984 OCT. 29 AM 11:04
B. NAKAMAEJO
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

JANICE CHING YEE,
Plaintiff,

vs.

JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY, JOHN S. WILLIAMSON, BOBBY KAU, ALFRED YEE, GUNZI IZUMOTO, in his capacity as Chief Clerk of the First Circuit Court, BETTY VITOUSEK, in her capacity as Judge of the Family Court of the First Circuit, EDWARD CHUN, and ROBERT HOGAN,
Defendants.

CIVIL NO. 83013

ORDER GRANTING DEFENDANT ROBERT HOGAN'S MOTION FOR MORE DEFINITE STATEMENT

Motion Filed
July 9, 1984

ORDER GRANTING
DEFENDANT ROBERT HOGAN'S MOTION FOR MORE DEFINITE STATEMENT

Upon review of Defendant Robert Hogan's Motion for More Definite Statement filed herein on July 9, 1984 and the subsequent relevant memoranda filed on July 16, 1984 and July 20, 1984, respectively, and good cause appearing therefor;

IT IS HEREBY ORDERED that said Motion for More Definite

Statement is granted and Plaintiff is directed to comply with Rule 12(e) of the Hawaii Rules of Civil Procedure which requires that said More Definite Statement be filed within 10 days of the Notice of Entry of the Order herein.

DATED: Honolulu, Hawaii, OCT 29, 1984

SEAL

PHILIP T. CHUN
JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM AND CONTENT:

/s/ Janice Ching Yee
JANICE CHING YEE
Plaintiff Pro Se

/s/ Edward Y.C. Chun
EDWARD Y.C. CHUN
Attorney for Defendant

/s/ William C. McCorriston
WILLIAM C. McCORRISTON
Attorney for Defendant
EDWARD CHUN

/s/ Warren Price
WARREN PRICE, III
Attorney for Defendants
JOHN HANCOCK LIFE
INSURANCE COMPANY

/s/ Charles H. Witherwax
CHARLES H. WITHERWAX
Attorney for Defendants
John S. Williamson and
Bobby Kau

JEAN K. CHIOGIOJI
Attorney for Defendants
Gunji Izumoto and
Betty Vitousek

WILLIAM L. FLEMING 188-0
STEPHEN B. MacDONALD 1545-0
THOMAS E. CROWLEY 1753-0
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& WRIGHT
1000 Bishop Street
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Telephone: 521-9200

Attorneys for Defendants
ROBERT HOGAN and
HAROLD W. NICKELSEN

1st CIRCUIT COURT
STATE OF HAWAII
FILED
1984 NOV. 14 PM 3:49

H. SETO
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

JANICE CHING YEE,
Plaintiff,

vs.

BETTY VITOUSEK, EDWARD CHUN; ROBERT HOGAN; ALFRED A. YEE, INC.; BOBBY KAU; JOHN S. WILLIAMSON, and, THE JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY; GUNJI IZUMOTO; HAROLD SHINTAKU; NORITO KAWAKAMI; ELIZABETH M. ADAMS, and, GERRY NAGAHISA; HAROLD NICKELSEN; JAMES KOSHIBA; THE HAWAII STATE BAR ASSOCIATION involved members, JUNG LOWE, DAN HEELY, and, THE HAWAII JUDICIAL QUALIFICATIONS COMMISSION OF 1978; ROBERT STEVENSON, CLIFFORD MELIM, REV. CHARLES CRANE, and deceased, exempt WILSON CANNON, and MITSUYUKI KIDO; STEPHANIE KOKERNAK; JAERRET KO, and KWONG YEN LUM; JOHN PARKS; WILLIAM RICHARDSON, BERT KOBAYASHI, BENJAMIN MENOR; ROBERT W.B. CHANG, EDWARD NAKAMURA, and

CIVIL NO. 83013

JUDGMENT

Affecting the following property:

TCT No. 264,217 issued to JANICE CHING YEE, unmarried as to an undivided two-thirds (⅔) interest

TCT No. 152, 395 issued to JANICE CHING YEE, wife of Alfred Alphonse Yee

deceased exempt THOMAS OGATA; ARTHUR FONG; JAMES BURNS; GOV. GEORGE ARIYOSHI; BARRY RUBIN; DONALD TSUKIYAMA; RICHARD LEE; WALTER HEEN; UNITED STATES COURT OF APPEALS JUDGES: ALFRED GOODWIN, OTTO SKOPIL, HARRY PREGERSON, and, WARREN FERGUSON; HAWAII'S UNITED STATES DISTRICT COURT JUDGES: SAMUEL KING, MARTIN PENCE, and HAROLD FONG; HAWAII'S U.S. DISTRICT ATTORNEYS DANIEL BENT, and FRANK WILSON; UNITED STATES SUPREME COURT.

Defendants.

JUDGMENT

Pursuant to Order Granting Defendant Robert Hogan's Motion to Alter Order Granting Defendant Robert Hogan's Motion for Summary Judgment, filed herein on October 23, 1984, in favor of Defendant ROBERT HOGAN and against Plaintiff JANICE CHING YEE, and awarding attorneys' fees in the amount of $4,763.75 and costs of Court in the amount of $86.08 for a total award of attorneys' fees and costs in the amount of $4,849.83,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that judgment be and the same is hereby entered in favor of Defendant ROBERT HOGAN and against Plaintiff JANICE CHING YEE in the amount of $4,849.83.

DATED: Honolulu, Hawaii, November 7, 1984.

/s/Richard Y.S. Au (SEAL)
RICHARD Y.S. AU
JUDGE OF THE ABOVE-ENTITLED COURT

1st CIRCUIT COURT
STATE OF HAWAII
RECEIVED AND FILED
December 5, 1984, 3 PM

L. Sprout
Clerk, Second Division

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

JANICE CHING YEE,
Plaintiff,

vs.

JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY, JOHN S. WILLIAMSON, et al.,
Defendants.

CIVIL NO. 83013

ORDER DENYING MOTION FOR NEW TRIAL, ORDER DENYING MOTION FOR RELIEF, AND ORDER DENYING MOTION TO STAY THE JUDGMENT AND FOR OTHER RELIEF

ORDER DENYING MOTION FOR NEW TRIAL, ORDER DENYING MOTION FOR RELIEF, AND ORDER DENYING MOTION TO STAY THE JUDGMENT AND FOR OTHER RELIEF

Upon a reading of Plaintiff's Motion for New Trial and Motion for Relief from Judgment, filed November 20, 1984, and Motion to Stay the Judgment and for other relief, filed October 16, 1984, and the Court having fully considered the same;

NOW THEREFORE, IT IS HEREBY ORDERED that the motions are hereby denied without a hearing.

DATED: Honolulu, Hawaii, December 5, 1984.

/s/Richard Y.S. Au (SEAL)
RICHARD Y.S. AU
JUDGE OF THE ABOVE-ENTITLED COURT

WILLIAM C. McCORRISTON 995-0
Goodsill Anderson Quinn & Stifel
1600 Castle & Cooke Building
130 Merchant Street
Honolulu, Hawaii 96813
Telephone: 547-5600

Attorney for Defendant
EDWARD Y.C. CHUN

1st CIRCUIT COURT
STATE OF HAWAII
FILED
1984 DEC 27 AM 11:54
B. NAKAMAEJO
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

JANICE CHING YEE,
Plaintiff Pro Se,

vs.

BETTY VITOUSEK; EDWARD CHUN; ROBERT HOGAN; ALFRED A. YEE, and ALFRED A. YEE & ASSOCIATES, INC.; BOBBY KAU, JOHN S. WILLIAMSON, and, THE JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY; GUNJI IZUMOTO; HAROLD SHINTAKU; NORITO KAWAKAMI; ELIZABETH M. ADAMS, and, GERRY NAGAHISA; HAROLD NICKELSEN; JAMES KOSHIBA, THE HAWAII STATE BAR ASSOCIATION involved members, JUNG LOWE, DAN HEELY, and deceased, exempt WILSON CANNON, and MITSUYUKI KIDO; STEPHANIE KOKERNAK; JARRET KO, and, KWONG YEN LUM: JOHN PARKS; WILLIAM RICHARDSON, BERT KOBAYASHI, BENJAMIN MENOR, ROBERT W.B. CHANG, EDWARD NAKAMURA, and deceased, exempt THOMAS OGATA; ARTHUR FONG; JAMES BURNS; GOV. GEORGE ARIYOSHI; BARRY RUBIN; DONALD TSUKIYAMA; RICHARD LEE; WALTER HEEN; UNITED STATES COURT OF APPEALS JUDGES: ALFRED GOODWIN, OTTO SKOPIL, HARRY PREGERSON, and,

CIVIL NO. 83013

ORDER GRANTING AND DENYING VARIOUS MOTIONS AND GRANTING PROTECTIVE ORDER

Hearing: October 31, 1984
Hon. Edwin H. Honda

WARREN FERGUSON; HAWAII'S
UNITED STATES DISTRICT COURT
JUDGES: SAMUEL KING, MARTIN
PENCE, and, HAROLD FONG;
HAWAII'S U.S. DISTRICT ATTORNEYS
DANIEL BENT, and, FRANK WILSON;
UNITED STATES SUPREME COURT;
Defendants.

ORDER GRANTING AND DENYING VARIOUS MOTIONS AND PROTECTIVE ORDER

The following motions having come on for hearing before the Honorable Edwin H. Honda, Judge of the First Circuit Court of the State of Hawaii on Wednesday, October 31, 1984 at 10:30 a.m.:

1. Plaintiff's Motion to Vacate Judge Honda's Judgment of September 18, 1984;

2. Defendants John S. Williamson, Bobby Kau and John Hancock Mutual Life Insurance Company's Motion for Protective Order and Motion for Summary Judgment and Award of Attorneys' Fees and Costs.

3. Defendant Robert Hogan's Joinder in Defendants' John S. Williamson's, Bobby Kau's and John Hancock Mutual Life Insurance Company's Motion for Protective Order;

4. Defendant Harold W. Nickelsen's Motion to Set Aside Entry of Default as to Harold W. Nickelsen;

5. Defendant Harold W. Nickelsen's Joinder in Defendants' John S. Williamson's, Bobby Kau's and John Hancock Mutual Life Insurance Company's Motion for Protective Order;

6. Defendant Dr. Kwong Yen Lum's Joinder of Dr. Kwong Yen Lum in Motion to Set Aside Entry of Default and Joinder of Dr. Kwong Yen Lum in Motion for Protective Order;

7. Plaintiff's Motion to Strike Harold Nickelsen's Motion to Set Aside Entry of Default;

8. Defendants James Koshiba and the Hawaii State Bar Association's Joinder in Motion to Set Aside Entry of Default as to Harold Nickelsen;

9. Joinder of Defendant Edward Y.C. Chun in Defendants John S. Williamson's, Bobby Kau's and John Hancock Mutual Life Insurance Company's Motion for Protective Order;

10. Joinder of State Defendants in Defendants John S. Williamson's, Bobby Kau's and John Hancock Mutual Life Insurance Company's Motion for Protective Order; and

11. Oral Joinders of Defendant Jarret Ko in Defendants John

S. Williamson's, Bobby Kau's and John Hancock Mutual Life Insurance Company's Motion for Protective Order and in the Motion to Set Aside Entry of Default as to Harold W. Nickelsen.

And M. TYLER POTTENGER appearing for defendants John S. Williamson and Bobby Kau, WARREN PRICE, III appearing for defendant John Hancock Mutual Life Insurance Company, THOMAS CROWLEY appearing for defendants Robert Hogan and Harold Nickelsen, BENJAMIN CARROLL, III appearing for defendant Dr. Kwong Yen Lum, DAVID L. FAIRBANKS appearing for defendants James Koshiba and the Hawaii State Bar Association, WILLIAM C. McCORRISTON appearing for defendant Edward Y.C. Chun, MICHAEL CHUN appearing for the Federal defendants, JEAN CHIOGIOJI appearing for the State defendants, MOLLY JO CAMPBELL appearing for defendant Jarret Ko, and plaintiff JANICE CHING YEE appearing *pro se*, the Court having reviewed the memoranda in support of and in opposition to the motions, having heard the oral arguments on the motions, and being otherwise fully apprised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff *Pro Se* Janice Ching Yee's Motion to Vacate Judge Honda's Judgment of September 18, 1984 and Motion to Strike Harold Nickelsen's Motion to Set Aside Entry of Default are hereby denied.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the following motions are hereby granted:

1. Defendants John S. Williamson, Bobby Kau and John Hancock Mutual Life Insurance Company's Motion for Protective Order, including all joinders therein as above noted;

2. Defendants John S. Williamson, Bobby Kau and John Hancock Mutual Life Insurance Company's Motion for Summary Judgment and Award of Attorneys' Fees and Costs with the provision that said award shall be limited to the amount of $100.00 per counsel appearing;

3. Harold Nickelsen's Motion to Set Aside Entry of Default as to Harold Nickelsen, including all joinders therein as above noted.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this order shall constitute a protective order in favor of all named defendants directing the Clerk of the First Circuit Court not to accept for filing any further pleadings by Plaintif *Pro Se* Janice Ching Yee in this matter, Civil No. 83013, or in any other action involving the claims asserted herein, and directing Janice Ching Yee to refrain from attempting to file any further pleadings in Civil No. 83013 or in any other action involving the claims asserted herein. This protective order shall be effective *nunc pro tunc* as of

September 18, 1984 and any and all pleadings filed by Plaintiff *Pro Se* Janice Ching Yee since that time are ordered stricken and need not be responded to by defendants, including those who did not appear at the October 31, 1984 hearing, and/or by any potential defendants herein, including all counsel who have appeared in this action. Further, any other defaults entered or to be entered after September 18, 1984 are hereby stricken.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in addition to the above-mentioned award of attorneys' fees to defendants John S. Williamson, Bobby Kau and John Hancock Mutual Life Insurance Company, each of the other defendants who appeared at said hearing on October 31, 1984 with counsel be awarded attorneys' fees in the amount of $100.00.

DATED: Honolulu, Hawaii, December 21, 1984.

Edwin H. Honda
Judge of the above-entitled Court

FILED
1985 FEB 14 PM 2:19
Sandra N. Yasui
CLERK
SUPREME COURT

NO. 10354
IN THE SUPREME COURT OF THE STATE OF HAWAII

JANICE CHING YEE, CIVIL NO. 83013
Plaintiff-Appellant,

vs.

BETTY VITOUSEK, et al.,
Defendants-Appellees.

ORDER DISMISSING APPEAL

The record on appeal in this case was docketed on February 4, 1985. On February 13, 1985, this court approved Plaintiff-Appellant's "Affidavited Motion for Inclusion of Amended Notice of Appeal as Supplementary Record on Appeal." On February 14, 1985, Plaintiff-Appellant's opening brief was filed. From an independent examination of the record and the opening brief, it appears that the subject matter of the instant proceeding is substantially similar to the matters resolved by this court on prior appeals brought by Plaintiff-Appellant, including but not limited to Supreme Court Nos. 5903, 5924, 5930, 5943, 5949, 5969, 5970, 5971, 6008, 6102, 6529, 7067 and 7355. This court takes judicial notice of the order entered by this court on November 17, 1977, in a previous appeal brought by Plaintiff-Appellant, Supreme Court No. 6529, **Yee v. Hogan, et al.**, wherein this court, on its own motion, dismissed the appeal on the ground that this court had previously disposed of the applicable substantive issues, and wherein this court further ordred the clerk of court "not to accept any further motions, pleadings or appeals from the appellant, in this case and the substantive subject matter resolved in Supreme Court cases numbers 5943 and 5949, in order that the appellant may not further abuse the judicial process and further cause unnecessary costs and attorneys' fees ...." Accordingly,

IT IS HEREBY ORDERED, on this court's own motion, that the instant appeal, including the "amended appeal," is dismissed with prejudice. This court does not assess attorneys' fees against Plaintiff-Appellant. Pending motions filed herein by Plaintiff-Appellant are denied as moot.

DATED: Honolulu, Hawaii, February 14, 1985.

/s/ J. Wakatsuki
/s/ Harry T. Tanaka
/s/ Leland H. Spencer
/s/ Ronald T.Y. Moon
/s/ Robert G. Klein

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D.C. 20543

June 10, 1985

Mrs. Janice Ching Yee
3169 Alika Avenue
Honolulu, HI 96817

Re: Janice Ching Yee,
v. Betty Vitousek, et al.
No. 84-1685

Dear Mrs. Yee:

The Court today entered the following order in the above entitled case:

The petition for a writ of certiorari is denied.

Very truly yours,

/s/ Alexander L. Stevens

Alexander L. Stevens, clerk

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D.C. 20543

August 14, 1985

Mrs. Janice Ching Yee
3169 Alika Avenue
Honolulu, HI 96817

Re: Janice Ching Yee,
v. Betty Vitousek, et al.
No. 84-1685

Dear Mrs. Yee:

The Court today entered the following order in the above entitled case:

The petition for rehearing is denied.

Very truly yours,

/s/ Joseph F. Spaniol

Joseph F. Spaniol, Jr., Clerk

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1984

IN RE: JANICE CHING YEE, PETITIONER

vs. No. 84-1685

BETTY VITOUSEK, ET AL., RESPONDENT

WAIVER

The Government hereby waives its right to file a response to the petition in this case, unless requested to do so by the Court.

REX. E. LEE
Solicitor General

MAY 15, 1985

cc: MRS. JANICE CHING YEE—PRO SE
3169 ALIKA AVENUE
HONOLULU, HAWAII 96817

(Formerly G-56) FORM OSG-13
DOJ 12-7-76

APPENDIX 22: CORRECTIONS FOR CASE#84-1685 FOR ITS PROPER USAGE FOR DETERMINATION OF THIS CASE

1. *Coversheet* list of Respondents should include: James Koshiba, Ex-Chairman of Ethics Commission of Hawaii State Bar Association; inadvertantly omitted in listing.

2. *Coversheet* footnote "4" for "Hawaii Circuit Court" was inadvertantly omitted.

3. *Text, page 15, part "e", lines 2/3* should read: "sexually 'coercive' breach of contract etc.----"

4. *APPENDIX 1-B-3:* was filed: in 1st CIRCUIT COURT, STATE OF HAWAII, Aug. 30, 1984, at 2:33 p.m. by Clerk IKEDA.

PROMISSORY NOTE

$105,000.00 HONOLULU, HAWAII
July 5, 1975

In accordance with the Sixth Supplemental Decision and Order entered on April 4, 1975, as amended by the Eleventh and Twelfth Supplemental Decisions and Orders in proceedings of the Family Court of the State of Hawaii designated FC-D No. 81258, the undersigned hereby promises to pay to JANICE CHING YEE the principal sum of ONE HUNDRED FIVE THOUSAND AND NO/100 DOLLARS ($105,000.00), payable without interest in monthly installments of THREE HUNDRED FIFTY AND NO/00 DOLLARS ($350.00) each, commencing first on July 5, 1975 and continuing on or before the fifth day of each and every month thereafter until fully paid.

In the event of default of any installment, interest at the rate of twelve per cent (12%) per annum shall accrue on the installment in arrears.

This note is subject to acceleration in accordance with provisions of paragraph I(A)(2)(a) and paragraph I(A)(2)(c) of said Sixth Supplemental Decision and Order, providing as follows:

> "If at any time [JANICE CHING YEE] shall require supplemental income to cover insured hospitalization, medical and psychiatric costs and expenses reasonably required to provide for her health and well being, [she], or some proper person on her behalf, may apply to [the Family Court of the First Circuit of the State of Hawaii] for entry of its Order increasing the amount of monthly installments.
>
> "In the event [the maker] shall predecease[JANICE CHING YEE] [the maker or] estate shall be obligated for the payment of the remaining balance of said $105,000.00."

In the event of default in the payment of any installment at the time when due, and in case steps are taken whether by suit or otherwise to collect any installment in arrears, the undersigned further promises to pay all reasonable costs and expenses incurred, including a reasonable attorney's fee.

The privilege is reserved to the maker to prepay the whole or any part of the principal from time to time outstanding without penalty.

/s/ Alfred A. Yee
ALFRED A. YEE

EXHIBIT "A"

APPENDIX 23-A

of Feb. 2, 1976 Eleventh Supplemental Decision & Order
"tCR" p. 583-611, HAWAII FAMILY COURT

PROMISSORY NOTE*

$110,000.00 HONOLULU, HAWAII
July 1, 1975

In accordance with the sixth Supplemental Decision and Order entered on April 4, 1975, as amended by the Eleventh and Twelfth Supplemental Decisions and Orders in proceedings of the Family Court of the State of Hawaii designated FC-D No. 81258, the undersigned hereby promises to pay to JANICE CHING YEE THE PRINCIPAL SUM OF ONE HUNDRED TEN THOUSAND AND NO/100 DOLLARS ($110,000.00), together with interest at the rate of five per cent (5%), per annum computed on the unpaid principal balance remaining unpaid from time to time from and after July 1, 1975 until January 31, 1981, and thereafter at a rate of interst equal to one percentage point above the prime rate of interest from time to time established by Bank of Hawaii, not exceeding, however, ten per cent (10%) per annum.

Principal and interest shall be due and payable as follows:

PRINCIPAL. Principal shall be payable on the date that the undersigned or his designee shall be entitled to distributions of all of the undersigned's vested rights in the Alfred A. Yee & Associates, Inc. Profit Sharing Trust; provided that if only a portion of the undersigned's rights in said Profit Sharing Trust shall be payable, then such portion shall be fully applied to the payment of principal hereunder; provided, further, that if principal shall not be fully paid by January 31, 1981, then and in such event the then remaining principal shall be paid in one hundred (100) equal monthly installments commencing first on February 1, 1981. The whole or any part of the principal may be prepaid without penalty.

INTEREST. Interest shall be payable in montly installments in arrears, commencing first on August 1, 1974 for and on account of interest accruing from the period July 1, 1975 to July 31, 1975, and continuing on the first day of each and every month thereafter until the principal shall be fully paid.

In the event of default in the payment of principal when due, or of any installment of interest when due, and in case steps are taken, whether by suit or otherwise, to collect any installment in arrears, the undersigned further promises to pay all reasonable costs and expenses incurred, including a reasonable attorney's fee, and interest at the rate of twelve per cent (12%) per annum on any installment, either on principal or interest, in arrears.

/s/ Alfred A. Yee
ALFRED A. YEE

EXHIBIT "B"

APPENDIX 23-B

of Feb. 2, 1976 Eleventh Supplemental Decision & Order
"tCR" p. 583-611, HAWAII FAMILY COURT

*This Note was fully satisfied 8/7/87.

June 22, 1987

Hon. Chief Justice William Rehnquist, (Ex-Chief Warren Burger,) and Associate Justices Byron White, Harry Blackmun, Lewis Powell, Thurgood Marshall, William Brennan, John Paul Stevens, and Sandra O'Connor
of the SUPREME COURT OF THE UNITED STATES
at: 1 First Street, N.E.
Washington, D.C., 20543

Your Honors: (RE: *case USSC#84-1685, JCYee v. BVitousek, ET AL*)

I believe that you instigated condonement/perpetration of a very cruel/unusual travesty of justice, that will hurt more people who are Americanborn than you can imagine.

Because of this, I pray and request that you please use your discretion, and of your own accord, please reopen and reconsider my proper "MOTION FOR RECUSAL" and my proper "PETITION FOR EXTRAORDINARY WRIT' for case USSC#84-84-1685.

My EXHIBIT 1 (of included "SUPPLEMENTAL EXHIBIT") of the Defendant (Appellee) Robert Hogan's threatening letter, is more traumatic proof of Hogan's obstructive, extortive, distortive, malpractice, perpetration coercion for non assertion of truth and assertion of my Americanborn Constitutional, civil RIGHTS for redress of all truth pled for/by me as Plaintiff (Appellant) PRO SE.

Your recent good decisions for *case #85-1199, First English Angelic Lutheran Church of Glendale v. County of Los Angeles;* as noted in an editorial in the Honolulu Advertiser, on 6/10/87; (EXHIBIT A) gives encouragement that you should (could) reconsider my case USSC#84-1685, for I believe my case was another "LANDMARK" case, with pertinent merit, and equal* to the issue of case #85-1199; whereas it pertained to the management and use of my own moneys ($225,000) upon divorce+; and now still (over $76,000) being unfairly/illegally held by my ex-husband, Defendant (Appellee) Alfred Yee, who could have included the amount of debt he owed me, at the time he sold his company of sixty-six persons.

*NOTE: the proper word was "parallel"
+3/1/73

APPENDIX 24

Also, wherefore Hawaii's State (Democrat, political) Government and Judiciary involved (since 1972) incurred damages which give me (probable) cause to Complain against conflicted, conspired (result), restraint, oppressive, assassinatory (of reputation, name & character), defamatory, libelled, perjury (of Oaths), prejudiced personally, depriving, degrading, cruel, coercive, obstruction of justice for me as capable, good lady JCY, injured by distortive malice of my legal right to manage my own moneys for biggest financial gain possible in the past fourteen (14) years, or twelve (12) years I pled as Complainant, Appellant, PRO SE, with pertinent good reason.

I pray for your discretion to open my case of your own accord because:

1. the United States Court of Appeals for the Ninth Circuit denied my case USCA(9th)#86-8192, on December 17, 1986; and they neglected to notify me so that I could appeal to this Court in time.++

2. I discovered this recently, at the time I sent my recent "ADDITIONAL MEMORANDUM OF LAW" (sent 5/18/87), received by the U.S. Court of Appeals on May 19, 1987; whereupon, twice by phone to the Court, it was learned that the Motions Attorney is considering the matter to see if it can be considered by the Court.

3. I fear deception for coercion for non-assertion of my Constitutional American RIGHTS for redress of grievances.

4. in reopening my case *USSC#84-1685,* and considering all of the merits of this case; this Court can exonerate itself, and place itself back in the high position it deserves.

Please do this for the betterment of the LAW in this court, and expand the precedent set by case *USSC#85-1199.*

/s/ (Mrs.) Janice Ching Yee

(Mrs.) Janice Ching Yee
Petitioner, Appellant Pro Se
at: 3169 Alika Avenue
Honolulu, Hawaii 96817
ph: 808-595-3426.

cc: Associated Justice Antonin Scalia.

++EXH. B.

Editorials

Honolulu Advertiser

Wednesday, June 10, 1987

'Landmark' land case

Everybody seems to agree the U.S. Supreme Court's ruling on land rights yesterday was significant. Some even use the term "landmark," and so it may be in a sense.

Still, indications are the immediate impact here will not be as sweeping as some of the national stories indicate might be the case across the nation. And we would hope not.

The high court ruled that local governments must compensate property owners if they deny them—even temporarily—all use of their land. Legal experts indicate that what's new in this is largely the question of the court moving in the direction of requiring compensation in a zoning matter, as opposed to the "taking" of private land for public use.

The majority opinion is said to be written carefully and narrowly to the one California case at issue, where a church was barred from rebuilding on property that had been badly hit by a flood.

If all the value of the land was lost to the church by that rezoning for flood protection — a matter still to be determined now in lower court — then compensation must be paid.

Despite the limits of the ruling, however, everyone seems to feel the result of this case, involving a flood, is going to be another flood — of litigation.

While this 6-3 ruling may be narrow, it does represent legal movement in a vital area. The Supreme Court is also keeping the subject open for future rulings on other cases where it might go further in directions favorable to building and real estate interests.

And that possibility should stimulate a lot of other test cases, no doubt some of them locally.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JANICE CHING YEE,	)	No. 86-8192
	)	
Plaintiff-Petitioner,	)	DC#
	)	CV-81-0148-HMF
vs.	)	Hawaii
	)	
HAROLD SHINTAKU; et al.,	)	ORDER
	)	
Defendants-Respondents.	)	
	)	
	)	

Before: HUG, POOLE and NORRIS, Circuit Judges

Plaintiff's petition for rehearing is denied.

As we promised, enclosed please find a copy of the court's order dated 12/17/86 denying Petition for Rehearing.

(from the clerks)

Received 6/1/87 by JCY

MoCal 10/20/86

February 17, 1980

Governor George R. Ariyoshi
of the State of Hawaii
at: the State Capitol of Hawaii
Honolulu, Hawaii, 96814

Dear Governor Ariyoshi:

I believe you made a wrong choice for the Third member of the new Intermediate Court of Appeals.

I write to tell you that your choice of Judge James Burns is the wrong choice.

I have pertinent proof by way of Legal pleas in the Hawaii's Family Court and Hawaii Supreme Court; with Copyrights of some pleas, or others pending; for me as original Authoress, Janice Ching Yee, as Complainant Pro Se, who has Appeals in Court, against Judge Burns' prejudiced malicious abuse and incompetence, (pending; therefore this is confidential).

I am against James Burns' conflict of incompetance which makes the "backlog", and/or James Burns' bad prejudice which "denies" all of my very real Merits for Claims for REDRESS for me, Janice, for precedent for me; as well as for Hawaii during your administration; for "equal rights", as "equal protection", and "Freedom", and "Redress" against the 6th Amendment of the U. S. CONSTITUTION, and/or against Article 1. Sec. 11 of HAWAII STATE CONSTITUTION; whereof both the Sixth Amendment and the Article 1. Section 11 are "unconstitutional".

I believe you should withdraw your choice of Judge James Burns, who is prejudiced and "unconstitutional", compounded by vacillatory incompetance.

I have proof of this.

Thank you for giving me this opportunity to express my opinions.

/s/ Mrs. Janice Ching Yee
Mrs. Janice Ching Yee
3169 Alika Avenue
Honolulu, Hawaii, 96817

APPENDIX 25

EXECUTIVE CHAMBERS
HONOLULU

GEORGE R. ARIYOSHI
GOVERNOR

March 20, 1980

Mrs. Janice Ching Yee
3169 Alika Avenue
Honolulu, Hawaii 96817

Dear Mrs. Yee:

Thank you for your letter concerning the appointment of Judge James S. Burns to be a Justice on the State Intermediate Court of Appeals.

Quite obviously, I do not know the details of the case you cite in your letter, but I very much know the qualities that Judge Burns will bring to his new position. They are qualities of legal competence, judicial temperment, and human compassion and understanding. I feel these qualities make him an excellent selection.

I am sorry that you disagree with this selection, but I feel that Judge Burns will continue to serve with distinction on the Court of Appeals.

Thank you for writing and for offering me your opinions.

With warm personal regards, I remain.

Yours very truly,

/s/ George R. Ariyoshi

George R. Ariyoshi

NO. 6102

IN THE SUPREME COURT OF THE STATE OF HAWAII

OCTOBER TERM 1976

JANICE CHING YEE,)
Plaintiff-Appellant,)
v.)
ALFRED A. YEE,)
Defendant-Appellee.)

ORDER

Upon consideration of the following motions, supportive memoranda, and letter of October 18, 1976:

1. Plaintiff-appellant's Motion for a New Trial and/or Relief from Judgment or Order; Memorandum of Law, Arguments, and/or Exhibit in Support of Motion; Previous Comprehensive Affidavit of Appellant Pro Se with Additional Clarification, filed October 12, 1976;

2. Plaintiff-appellant's Additional Memorandums of Law and Arguments for "Motion for a New Trial and/or Relief from Judgment or Order", filed October 18, 1976;

3. Plaintiff-appellant's Supplemental Memorandums of Law and Arguments for October 12, 1976's "Motion for a New Trial and/or Relief from Judgment or Order", filed November 8, 1976;

4. Plaintiff-appellant's letter of October 18, 1977 to Honorable Justices of Hawaii's Supreme Court;

5. Third Supplemental or Additional Memorandums, Arguments, and Exhibit to Conform to the Evidence for "Motion" Filed October 12, 1976, filed by plaintiff-appellant on November 15, 1976;

The court hereby denies each and every application filed by the plaintiff-appellant.*

DATED: Honolulu, Hawaii, November 17, 1976.

FOR THE COURT:
/s/ William S. Richardson
Chief Justice

*underlined emphasis supplied.

APPENDIX 27